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**THE MIDWEST METHAMPHETAMINE CRISIS:
DEVELOPING A PLAN FOR FEDERAL,
STATE AND LOCAL COOPERATIVE**

HEARING
BEFORE THE
SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
ONE HUNDRED SIXTH CONGRESS
FIRST SESSION
ON
THE METHAMPHETAMINE CRISIS IN THE MIDWEST
—
KANSAS CITY, MO
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MARCH 30, 1999
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THE MIDWEST METHAMPHETAMINE CRISIS: DEVELOPING A PLAN FOR FEDERAL, STATE, AND LOCAL COOPERATION

TUESDAY, MARCH 30, 1999

U.S. SENATE,
SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT,
COMMITTEE ON THE JUDICIARY,
Kansas City, MO.

The subcommittee met, pursuant to notice, at 9:55 a.m., at 1125 Locust, Sixth Floor, Kansas City, MO, Hon. John Ashcroft, presiding.

OPENING STATEMENT OF HON. JOHN ASHCROFT, A U.S. SENATOR FROM THE STATE OF MISSOURI

Senator ASHCROFT. Good morning, and I want to thank you for being here this morning and participate in this field hearing on the methamphetamine crisis in the midwest. I'm delighted that Senator Strom Thurmond, Chairman of this Criminal Justice Oversight Committee, has requested that we be involved in these kinds of activities. This is the inaugural field hearing for the Criminal Justice Oversight Subcommittee of the Judiciary Committee of the U.S. Senate. I want to thank Senator Thurmond for agreeing to hold this Criminal Justice Oversight field hearing here in Kansas City, and I'm sorry that he could not be with us today, but Senator Thurmond's chief counsel, Gary Malphrus, is with us today, and I want to thank him for his help in coordinating this particular hearing, and Senator Thurmond has asked that I submit for the record his statement regarding this hearing and this challenge of methamphetamines, and I'll be pleased to include this in the record.

[The prepared statement of Senator Thurmond follows:]

PREPARED STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM THE
STATE OF SOUTH CAROLINA

I am pleased to hold this Subcommittee on Criminal Justice Oversight field hearing regarding the dangers of methamphetamine and the need to take steps to address the problem. Let me also commend Senator Ashcroft for his strong commitment to fighting the methamphetamine problem.

Methamphetamine—known in short as “meth”—is one of the most destructive and dangerous narcotic substances ever to plague the United States. Meth destroys the lives of the users and their families, contaminates the environment, drains the resources of the public health system, and contributes to unemployment. It is such a toxic substance that it even poses an enormous threat to law enforcement officers.

The effects of this drug on humans who consume it is profound. The stimulant effects from meth can last for hours, in contrast to only minutes for crack cocaine. Not only can the meth abuser stay awake for days when he is high, but when its

effects begin to wear off, the abuser is prone to violence, delusions, and paranoia. The drug often induces feelings of invincibility. In practice, this can cause meth users to ignore the risk of contracting AIDS, hepatitis, or other diseases. As a general matter, people who are high on meth tend to engage in extremely high-risk activities that often result in serious physical injury or death.

In addition to the common dangers with which the drug confronts all its users, there is an even more insidious threat that meth poses to our vulnerable children. In some parts of the country, meth is so inexpensive that school children have been known to use their lunch money to buy it. We have already seen an explosion of illegal drug use—especially with hard drugs like heroin and cocaine—by high school students in just the last seven years. The relatively cheap price of meth foreshadows a tidal wave of new drug addiction among school children that could dwarf any drug problem we have dealt with in the past.

Meth trafficking and production in the United States is currently divided between independent organizations based in small towns all across America and those networks affiliated with the Mexican organized crime syndicates. Both groups are producing more methamphetamine than ever before. Mexican crime organizations are increasingly successful in smuggling finished meth into the United States or at least smuggling the precursor chemicals themselves into our country for use at production laboratories right here in the United States.

The growing popularity and extremely low cost of meth compared with other synthetic narcotics has spurred a geometric increase in the number of independent meth producers operating in the United States. Surging demand for the drug and widening profit margins are driving an alarming boost in meth production. It has been shown that a minimal investment in precursor chemicals and cooking equipment can yield a ten-fold profit on the sale of the finished product. Moreover, the illicit manufacture of meth can occur in a nearly unlimited variety of places—in hotel rooms, apartment complexes, residential kitchens, industrial areas, farms and mobile homes.

Meth has also created new challenges and hazards to law enforcement. The caustic, flammable, and explosive nature of the chemicals required to produce meth imperils the lives of innocent bystanders and the police as much as it does the criminals who pedal it. The storage of these hazardous chemicals and their toxic byproducts pose environmental, health, and safety risks to an entire community. For example, ongoing meth production is extremely prone to accidental explosion and fire.

Meth traffickers and producers typically dump their waste products on the ground, in streams and lakes, and in local sewage systems and septic tanks. Some simply bury the hazardous material in their backyards, where it is absorbed into the soil and eventually contaminates natural ground water systems.

As a result, cleaning up a clandestine meth laboratory is very hazardous, complex, expensive, and time consuming—a task often beyond the expertise of the police. The size of meth waste products and any unused precursor chemicals can vary from a few pounds to several tons, depending on the size of the lab. These toxic materials must be safely transported to an authorized hazardous waste facility, stored as evidence for trial, and then destroyed. The cost of gathering and storing evidence of meth trafficking or production as well as the cleanup of meth labs is becoming as financially prohibitive as it is physically dangerous.

We must have a firm commitment to addressing this problem. While it remains vitally important to educate our children about the dangers of meth and other illegal drugs, strict law enforcement has always proven to be effective in decreasing drug use by adults. We must make every effort to subject drug producers and traffickers to the full penalties of the law. Also, we must make certain that DEA has the proper resources, training, and focus to do its part to address this issue.

This hearing is important to help us better understand and address this most serious problem facing not only the Midwest but our entire country.

Senator ASHCROFT. Now, meth is one of the most serious drug problems in our Nation, whether we are talking about the Midwest or whether we are talking about the Far West. Senator Feinstein of California and I have collaborated on a number of efforts in the U.S. Senate regarding this because California also faces this problem in a serious way. It may be the most serious of the law enforcement problems facing Missouri enforcement officials here. One only reads the newspapers in our communities to understand the impact of this drug on our State.

On January 19, meth reportedly played a vital role in Springfield's worst mass murder ever. Police discovered the bodies of a pregnant woman and three of her children. The murdered woman, Erin Vanderhoff, was more than 9 months pregnant, due to have another child at any time. Three people have been charged in the murder, including the father of the unborn child. Although details are still emerging, a report in the Kansas City Star suggests that two of the defendants were motivated by a desire to ensure that child support payments did not deprive them of money to support their meth habit. In other words, if this due child were to be born, the support payments might impair their ability to feed the meth habit. A third individual, apparently, according to the news reports, had agreed to take part in the plan in order to get some meth—something called a ball of meth, worth approximately \$300.

Unfortunately, these kinds of incidents are not isolated. In a time of national prosperity, the rising tide of drug abuse in general, and the rise of meth in particular, is a serious problem that we must address. While we celebrate the stock markets as they skyrocket to new highs, we cannot look the other way as the levels of teenage drug abuse skyrocket.

In 1998, the level of illicit drug use by 12th graders in the last 30 days, in other words they are interviewed, "Have you used drugs in the last 30 days," it was more than 177 percent of the level that it was just 7 years earlier.

The numbers for heavy drugs are even more alarming. In 1998, the percentage of 12th graders who used cocaine in the last 30 days was 178 percent of the 1992 level. The percentage of heroin was 250 percent of the 1992 level. The plain facts are that drug use among our Nation's youth is far too common and becoming far more common.

We must reverse this trend. Our children are our greatest asset, and they are at great risk in the form of drugs. They are our most vulnerable members of our society, and more than any other group young people face the highest risks of being lost to drugs forever. Protecting our children from drugs has become more difficult than ever.

In the last few years, a new enemy, meth, has emerged to join the other more familiar threats, the threats of cocaine, heroin, and marijuana. Meth appears to be to the 1990's what cocaine was to the 1980's and what heroin was to the 1970's. The problem is growing exponentially in both Missouri and in the nation at large. Nationwide, levels of meth use among high school students have doubled since 1992. That is a little bigger increase for meth than for the other drugs.

In Missouri, the problem appears to be increasing even more rapidly. In 1992, DEA agents seized two clandestine meth labs in the State of Missouri. By 1994, there were 14 seizures. That was serious enough. But by 1997 they seized 421 clandestine meth labs.

The law enforcement personnel we have gathered here today have dealt with the meth problem firsthand. They know the unique challenges that meth presents. They know the dangers posed by the toxic substances used in the manufacture of the drug. They have dealt with the cleanup of problems created by abandoned meth labs.

A dangerous meth user can become very violent, paranoid. Some of you have educated me about the interdiction challenges posed by a powerful drug that can be home-cooked in small quantities. Others have seen the devastation and hardship of families ripped apart by meth. However, despite all these enormous challenges, I have no doubt that, if we work together, we can defeat meth. America has never faced the problem that has proven too great for us to meet or too big for us to tackle. The meth challenge, while daunting, is no exception. If we make a determined and full engagement in our war against meth we will win. We will defeat meth.

In my opportunity to serve in the Senate I have fought the growth of meth trafficking. For example, I worked to establish the Midwest High Intensity Drug Trafficking Area, or the HIDTA, for the Midwest, and we were pleased to be able to locate that center here in Kansas City. Since then, Senator Bond and I have worked to ensure that the Midwest HIDTA was fully funded. Senator Bond and I also worked to establish a zero tolerance for meth manufacturing in public housing. Finally last year Congress passed my legislation to increase the mandatory minimums for meth trafficking to the level of cocaine and other more serious—what had been thought to be more serious drugs. No drug is more serious than meth. And we also expanded the class of meth offenses eligible for the death penalty.

More recently, in February I introduced the Determined and Full Engagement Against the Threat of Meth Act, known as Defeat Meth Act. Senator Thurmond, Senator Bond, and four others have cosponsored this measure. The Defeat Meth Act represents the next step in the fight against meth by introducing five main components aimed at combating the growing meth problem.

First, the bill directs the U.S. Sentencing Commission to adjust its guidelines to increase penalties for meth labs not covered by the mandatory minimums.

Second, it authorizes \$30 million for Drug Enforcement Administration's meth initiative aimed at stopping the spread of meth by hiring more agents and providing additional training for State and local law enforcement officers.

Third, it authorizes \$25 million for new programs to educate parents and teachers about the dangers of meth.

Fourth, it amends the Controlled Substances Act to add two new precursor chemicals.

Finally, the bill amends the Federal drug paraphernalia statute to cover methamphetamine paraphernalia.

Now, these measures are essential in the war against meth, and no plan, in my judgment, by any single individual or group of individuals will stop meth overnight. I think we have to understand that, unless we plan, we will never stop meth, and we must do that.

Moreover, there are obvious limits on what can be done, but we must seek to do all that we can do. Defeating meth will be a struggle that takes place in the schools, the communities, churches, and within families. A victory against meth will require coordination among Federal, State, and local law enforcement officials, and that is the focus of the hearing this morning.

I want to thank everyone for being here and I want you to know the opinions and experiences of those of you working in law enforcement are vital to the legislative process. I appreciate very much your efforts and your willingness to share. Meth presents a formidable challenge. With efforts such as this hearing, I think the challenge can be met. We can overcome these kinds of challenges. We have in the past, and we can overcome them in the future.

Now, having done what Senators are wont to do, talk for long periods of time, I want to have the opportunity of hearing from you. And I want to thank and welcome our Governor for coming to the hearing today. I'm pleased that this is a matter which he cares deeply about and would come and share with us. He has a long-standing interest in fighting illegal drugs, dating back to his work on the issue as Lieutenant Governor, and I welcome his testimony, and I hope that he will have an opportunity to stay and hear the views of others, the local law enforcement officers who are fighting with this problem and joining with him and joining with Federal authorities in seeking to mitigate this very serious threat to our community.

Governor Carnahan.

PANEL CONSISTING OF HON. MEL CARNAHAN, GOVERNOR, STATE OF MISSOURI; GARY STARKE, SHERIFF, PETTIS COUNTY, MO; DAVID BARTON, EXECUTIVE DIRECTOR, MIDWEST HIDTA; JOHN T. PIERPONT, SHERIFF, GREENE COUNTY, MO; KIRK D. THOMPSON, ASSISTANT DIRECTOR, KANSAS BUREAU OF INVESTIGATION; TERRI WILLIAMS, DIRECTOR OF OPS NCMO DRUG TASKFORCE; AND TODD GRAVES, PROSECUTING ATTORNEY, PLATTE COUNTY, MO

STATEMENT OF HON. MEL CARNAHAN

Governor CARNAHAN. Thank you, Senator, and I do appreciate the opportunity to testify on Missouri's extensive efforts to battle the deadly drug, methamphetamine. Meth has been in existence since World War II. However, because we as a society were not tracking the problem until the 1990's, we have little information about how widespread its use has been in the past. Today we recognize that it is just as serious as crack cocaine as a problem, and those problems were very prevalent in the 1980's. We must marshal the forces that we have at our disposal to attack this problem on all fronts, enforcement, education, prevention, and treatment, and we need this kind of coordinated attack in order to be successful in meeting its lethal threat. This is the approach we have taken in Missouri, and it is having a positive impact.

To strengthen enforcement, our administration worked with the State legislature to pass one of the toughest antimeth laws in the country last year, a law that is now being used as a model by other States. Under its provisions, meth manufacturers and traffickers now face the same severe penalties imposed on criminals that deal in the other highly addictive drugs, such as crack cocaine. Furthermore, we reduced the amount of meth necessary to gain a felony conviction; we expanded the previous list of precursor chemicals to include the chemicals used in the production of meth so that law enforcement officials can track large purchases of these substances;

we increased funding for investigative crime labs and other officer safety equipment and established new meth training programs for law enforcement officers; and we provided new resources, personnel, and training to safely clean up the contamination caused by meth labs.

On the subject of cleanup, it is important to note to the committee that those efforts are much more cost effective when left in State and local hands. A recent comparison by our Department of Public Safety shows that the average cost for Federal cleanup was running an average of \$2,500 a lab while State cleanup is being done at an average cost of \$53 per lab.

On the education front, we have established a much-publicized toll-free hotline through the Missouri State Highway Patrol so citizens can help in the location and dismantling of meth labs. To reach children early, before they become involved with illegal drugs, we have conducted activities such as a meth poster contest in our schools, and those antimeth messages prepared by the students are now on billboards all across the State.

Because of Missouri's all-out war on meth, we are seeing significant results. In the past 2 years alone, we have shut down more than 1,500 meth labs in our State; but we have much more work to do, and it will require the cooperation of all Federal, State, and local authorities. That is why our administration worked from the beginning to implement the HIDTA Program here in Missouri, and that's why for the third year in a row I will be convening an antimeth summit of law enforcement authorities at all levels so that we can share information on how we can make our current strategies even more effective in fighting meth.

I want to recognize the U.S. Attorney's Office of the Western District of Missouri, particularly U.S. Attorney Steve Hill, for working side by side with us on this important issue. I would also like to recognize David Baker of the Jackson County Prosecutor's Office, who helped draft the antimeth legislation passed last year.

There are several steps that I believe should be taken at the Federal level to help us continue to win battles in this war against meth. First, States need more flexibility to attack the problem where it is developing. Right now States are only allowed to target certain areas, so the meth manufacturer simply moved to another area that is not targeted. Our whole State should be recognized by HIDTA so that full law enforcement resources can be focused wherever the meth problem exists.

Second, Missouri's tough new antimeth law is running many of these dangerous criminals into our neighboring States. Missouri will certainly continue to be tough on meth manufacturers and users, and we hope that other states will follow that example, but until they do Federal authorities need to come up with an overall strategy for addressing these criminal movements across State lines.

Third, we need increased resources from the Federal Government to expand our education efforts. We have a great deal of drug education activity in our State at the elementary level, but our current limited resources make it impossible to reach into all the junior high and high schools.

Senator it will take a strong Federal, State, and local partnership to win the war against meth with an emphasis on community involvement. As you can see from the aggressive approaches we have taken over the past few years, Missouri is committed to winning this war. We are pleased that Federal legislation is under consideration and emulates many of the actions we have already taken, and we stand ready to work with you in any way possible to rid our society of this monster of meth that stalks our citizens, leaves a trail of death, contamination, and destruction in its wake.

Our Missouri Director of Public Safety, Gary Kempker, and the superintendent of the Missouri State Highway Patrol, Weldon Wilhoit, who have been instrumental in our war against meth, are here with me today, and we will all be glad to answer any questions that the committee might have. And thank you for permitting me to testify. Thank you very much.

Senator ASHCROFT. I want to thank the governor for his testimony. We have been working hard on the Federal level to address the problem, but there are obvious limits to what any one component of this team can do. Without a firm commitment from the State to fight meth we cannot succeed, and I appreciate your testimony, hoping that we will all be able to learn how to improve our performance in this area.

It is my pleasure now to call upon Sheriff Gary Starke from Pettis County. He obviously has an opportunity to deal with this problem in a hands-on way, probably in ways that aren't particularly pleasant to him. But it's a pleasure to welcome you, Sheriff Starke, if you would proceed with your testimony.

STATEMENT OF GARY STARKE

Mr. STARKE. Thank you, Senator, and I would like to thank you for your long-standing record on these types of issues in combating methamphetamine.

I'm the sheriff of a rural county located 100 miles east of the Kansas City metro area. The population of my county is only 40,000. The largest city is the county seat, Sedalia, which has a population of 20,000. Despite our rural nature, we are not immune to nor have we escaped from the scourge of methamphetamine. Sadly, our community is inundated with this deadly drug. The most disturbing observation that I share with you is the fact that over the years I have seen the users of this particular drug become younger and younger and younger.

We have been very proactive in attempting to combat this menace. Despite my very limited resources, I have for the past 10 years dedicated one investigator to work nothing but drug enforcement, and our efforts have met with some success. Over the past 2 years, my office has raided and closed down 31 working methamphetamine laboratories in our county, resulting in the prosecution of dozens of individuals responsible for the production of this drug.

In these efforts, we cooperate closely with the entire community. We work with our police departments, local merchants, motels, and others who are in a position to supply us with information and leads regarding the manufacture of methamphetamine. As you may surmise, drug enforcement is very time and manpower intensive, often entailing many hours of investigation and surveillance. How-

ever, these are not the only challenges which rural law enforcement faces.

We are not a member of a regional drug taskforce. To be included in the taskforce that services our area, I would be required to pay to belong. I simply cannot afford to allocate any of my limited funds towards a kitty for regional drug enforcement, nor can I afford to allocate any manpower to such an effort. We have for the past several years applied for Narcotics Control Assistance Program, or NCAP, funding to assist us in our local efforts. Each year we have been denied funding. These funds, which are administered and allocated by the Missouri Department of Public Safety, are for the express purpose of helping local jurisdictions fight the war on drugs. However, my drug investigator was told in person by a high-ranking DPS official that we will never qualify nor receive any NCAP funding because we are not a member of a regional drug taskforce. Based on this, we stopped even applying for the funds.

Many rural sheriffs' offices throughout Missouri rely on the Missouri State Highway Patrol to supplement their enforcement efforts. However, about 1½ years ago the Missouri State Highway Patrol implemented a policy which precludes their troopers from assisting local sheriffs in making entry to clandestine methamphetamine laboratories. While I am sympathetic to the dangers that troopers face when making entry to the clandestine methamphetamine lab, my deputies face those same dangers. We are no better equipped nor are we necessarily any better trained than those troopers. We used to be able to rely on having troopers to assist us but not any longer.

By all accounts, the High Intensity Drug Trafficking Area initiative is a success in the metropolitan area of Kansas City. However, it is often difficult for a small local sheriff's office in out-State Missouri to realize or observe those successes while we continue to operate with limited resources of manpower and funding. Over 90 percent of all police agencies are similar to ours, fielding fewer than a dozen enforcement officers. Rural counties, lacking a tax base and resources of the metropolitan areas, are especially hard pressed to adequately police their communities.

Many of the initiatives and programs designed to assist local law enforcement efforts never trickle down past the State level. To those of us who live and work in those rural areas, Federal assistance to large well-funded State agencies and major metropolitan police departments seems analogous to the Small Business Administration providing funding to Fortune 500 companies. Many sheriffs in the State feel that we are the forgotten warriors in this war on drugs.

Thank you, Senator.

Senator ASHCROFT. Thank you very much, Sheriff Starke.

It's now my pleasure to call upon David Barton, who is the executive director of the Midwest High Intensity Drug Trafficking Area. I want to thank him and commend him for the HIDTA, for the work they are doing in a number of States in the Midwest. I first met him several years ago here in Kansas City when we came to learn about meth, back before we got the HIDTA established, back when he was still working for KCPD. So you know how to find your way into this building, I'm sure. I just dropped by the HIDTA 3

weeks ago, spent some time there getting an idea of exactly how that was working, to get brought up to speed on the changing nature of meth, and some of the concerns that you mentioned to me at that time prompted me to want to get to a place where I could hear from people at ground zero in this war.

So, if you would go ahead, Mr. Barton, I appreciate it, the executive director of the Midwest HIDTA.

STATEMENT OF DAVID BARTON

Mr. BARTON. Thank you, Senator, for the opportunity for input into this serious problem.

The mission of the High Intensity Drug Trafficking Area program is to reduce drug trafficking in critical identified regions of the country through partnerships of local, State, and Federal drug control agencies. The HIDTA program is not an agency but is an alliance or federation of law enforcement and criminal justice agencies.

In December 1996 the Office of National Drug Control Policy designated 40 counties in Iowa, Kansas, Missouri, Nebraska, and South Dakota as the Midwest High Intensity Drug Trafficking Area. On February 1, 1999, eight counties in North Dakota were added, as was 24 additional counties in the original five States being submitted for designation.

Operational since mid-1997, the primary focus of the Midwest HIDTA is methamphetamine distribution and manufacturing. The meth epidemic plaguing these States has resulted from two problems: A steadily increasing importation of meth into the region by organized trafficking groups and the clandestine manufacturing of meth by hundreds of entrepreneurial users and dealers. Importation and distribution by primarily Mexican organizations is common in all States. However, the clandestine manufacturing phenomenon is currently concentrated in Missouri, Kansas, and Iowa.

The HIDTA strategy is implemented through several components. Each State, through designated advisory boards, has identified threat, determined mission, and developed strategies and initiatives. The Midwest HIDTA executive committee and the Midwest HIDTA director, in cooperation with the board, coordinates the integration and synchronization of all participating agencies' initiatives to ensure a regional unified effort.

The Midwest HIDTA executive committee is made up of executives from 12 Federal and 12 State and local criminal justice agencies. The committee, selected by their peers according to guidance from ONDCP, provides oversight, policy guidance, review, and approval of all 33 initiatives and budgets submitted to ONDCP. The special agent in charge of DEA St. Louis Division currently chairs this executive committee.

The HIDTA Program consists of five subsystems. The intelligence subsystem will be implemented by improving the collection, analysis, and dissemination of meth intelligence, instituting a systems network of sharing throughout the area. The Midwest HIDTA, through the Investigative Support Center, will coordinate this effort with national intelligence centers such as EPIC, the National Drug Intelligence Center, and Regional Information Sharing System Centers.

The Midwest HIDTA investigative subsystem focuses on the investigative needs of law enforcement agencies located in designated counties. Where possible, and in the more urban areas, collocated HIDTA multijurisdictional groups have been formed. In rural designated counties, where resources and manpower are always scarce, HIDTA funding has been utilized to enhance existing multi-agency taskforce operations. For fiscal year 1999, 26 Federal, State, and local taskforces, three State police response initiatives, and the DEA Regional Enforcement Program will be enhanced through HIDTA funding. In fiscal year 1999, 105 local, 15 State, and 4 Federal agencies are directly participating in the Midwest HIDTA.

The proliferation of clandestine labs in designated HIDTA counties has also severely impacted forensic laboratories. The sheer volume of exhibits, particularly those collected from laboratory seizures, have adversely affected the efficiency of the laboratories, resulting in backlogs and long delays in processing evidence. In addition, the workload of the various laboratories often prevents chemists from responding to clan lab seizures and providing on-site expert support to increase safety to agents, officers, and to the public. This initiative provides enhancement to seven State or local forensic labs and to the DEA, which has established a satellite lab in the Kansas City area.

The increased enforcement activity has resulted in a dramatic increase in investigations and arrests. The resulting increase in criminal prosecutions has strained the resources of the U.S. Attorney's Office in the eight Federal judicial districts in the region. The special assistant U.S. attorney initiative is designed to enhance the resources of these offices to ensure that additional meth cases are aggressively prosecuted at the appropriate or at the Federal level.

The demand reduction subsystem has developed a comprehensive educational campaign to assist and leverage law enforcement and community antidrug coalitions in educating the region's youth, families, and other at-risk groups regarding the consequences of meth.

In summary, the HIDTA program allows law enforcement to enhance enforcement activities, provide focus to critical problems, encourage innovation, and facilitate cooperation between regional criminal justice agencies. The Midwest HIDTA has developed a cohesive, comprehensive program combining regional and focused initiatives to implement the HIDTA mission.

Thank you, Senator.

[The prepared statement of Mr. Barton follows:]

PREPARED STATEMENT OF DAVID BARTON ON BEHALF OF THE MIDWAY HIGH
INTENSITY DRUG TRAFFICKING AREA

1999 MIDWEST HIDTA STRATEGY

The Mission of the High Intensity Drug Trafficking Area Program is to reduce drug trafficking in critical identified regions of the country through partnerships of local, state, and federal drug control agencies. The HIDTA Program is not an agency but is an alliance or federation of law enforcement and criminal justice agencies.

In December 1996, the Office of National Drug Control Policy (ONDCP) designated identified counties in Iowa, Kansas, Missouri, Nebraska, and South Dakota as the Midwest High Intensity Drug Trafficking Area (HIDTA). The Midwest HIDTA encompassed forty (40) counties in these five states. On February 1, 1999, 8 counties in North Dakota were added to the Midwest HIDTA. Also, twenty-four (24) additional counties in the original five states were submitted for designation.

Operational since mid 1997, the primary focus of the Midwest HIDTA is to address methamphetamine distribution and manufacturing. In recent years, these six states and in particular the designated counties located in the "Heart of America", have experienced an unprecedented increase in the manufacturing, distribution, and use of methamphetamine. The methamphetamine epidemic plaguing these states has resulted from two problems: a steadily increasing importation of methamphetamine into the region by organized trafficking groups and the clandestine manufacturing of methamphetamine by hundreds of entrepreneurial users/dealers. Importation and distribution of methamphetamine by primarily Mexican organizations is common in all states; however, the clandestine manufacturing phenomenon is currently concentrated in Missouri, Kansas, and, to an increasing extent, in Iowa.

Data collected from 1996, 1997, and 1998 indicates a dramatic increase in the number of clandestine laboratories discovered by law enforcement agencies in the region. As an example, during calendar year 1998, the Iowa Division of Narcotics Enforcement has seized 320 labs, or a 408 percent increase, over 1997.

THE OVERALL CONCEPT OF THE STRATEGY IS IMPLEMENTED THROUGH SEVERAL COMPONENTS

Each state, and the Kansas City designated "Hot Spot" through its designated Advisory Boards and in conjunction with participating agencies has identified threat, determined the mission, and developed related strategies and initiatives. The Midwest HIDTA Executive Committee and the Midwest HIDTA Director, in cooperation with the Boards and other subcommittees, coordinate the integration and synchronization of all participating agencies' initiatives to ensure a unified effort in achieving the mission of the Midwest HIDTA.

The Midwest HIDTA Executive Committee is made up of executives from twelve federal and twelve state/local criminal justice agencies. The committee, selected by their peers according to guidance from ONDCP, is currently chaired by the Special Agent in Charge, DEA St. Louis Division, with a Lieutenant from the Sioux Falls South Dakota Police Department, serving as the vice-chair. The Executive Committee provides oversight, policy guidance, review and approval of all initiatives and budgets submitted to ONDCP. The Director provides day-to-day administration and program management and serves as a conduit to the participating agencies for directives, policy and related administrative information required by ONDCP.

The Midwest HIDTA's 33 initiatives focus on law enforcement and drug market reduction activities. These initiatives are organized into and support five counterdrug subsystems. Each subsystem is integral to the success of the Midwest HIDTA.

Intelligence Subsystem: An integral component in the Midwest HIDTA Strategy is the need to enhance and increase the free exchange of methamphetamine intelligence/information among all HIDTA participants and other agencies throughout the region. The Midwest HIDTA will improve the collection, analysis, and dissemination of methamphetamine intelligence/information by instituting a "systems network" of sharing throughout the area. The Midwest HIDTA through the Investigative Support Center, will coordinate this effort with national intelligence centers such as the El Paso Intelligence Center (EPIC), the National Drug Intelligence Center (NDIC), and Regional Information Sharing System (RISS) Centers. Partnerships will also be developed with other HIDTA's such as the Southwest Border HIDTA and the Los Angeles HIDTA, source areas for much of the methamphetamine brought into the Midwest by trafficking organizations.

Investigation Subsystem: The Midwest HIDTA Investigative Subsystem focuses on the investigative needs of law enforcement agencies located in designated counties. Due to the size, geographic separation and the rural nature of most of the designated counties within the Midwest HIDTA, it is difficult to establish stand-alone collocated HIDTA task forces in the more rural counties. Where possible and in the more urban areas, collocated HIDTA multi-jurisdictional groups have been formed. In rural counties where resources and manpower are always scarce, HIDTA funding has been utilized to enhance existing multi-agency task force operations. These task forces target the most significant individuals in their area involved in the distribution and/or clandestine manufacturing of methamphetamine. For fiscal year 1999 26 federal, state, and local task forces, 3 state police response initiatives, and the DEA Regional Enforcement program will be enhanced through HIDTA funding. In fiscal year 1999 105 local, 15 State, and 4 federal agencies are participating in the Midwest HIDTA program.

Forensic Laboratory Subsystem: The proliferation of clandestine labs, in designated HIDTA counties has severely impacted federal, state, and local forensic laboratories. The sheer volume of exhibits, particularly those collected from laboratory

seizures, have adversely affected the efficiency of the laboratories resulting in backlogs and long delays in processing evidence. These long processing delays negatively impact ongoing investigations and prosecutions. In addition, the workload of the various federal, state, and local laboratories often prevents their chemists from responding to clandestine laboratory seizures and providing on-site expert support. Laboratory seizures made without a chemist on-site run a higher risk of danger to agents, officers, and the public. The Federal/State Forensic Laboratory Enhancement Initiative provides the needed additional resources to the laboratories in the region that have been affected the most. This initiative provides enhancement to 7 state/local forensic laboratories in the six state region, and the Drug Enforcement Administration North Central Lab, which established a satellite laboratory in the metropolitan Kansas City, Missouri area.

Prosecution Subsystem: The increased enforcement activity has resulted in a dramatic increase in federal, state and local investigations and arrests. The resulting increase in criminal prosecutions has strained the resources of the U.S. Attorney's Offices in the eight federal judicial districts in the region, as well as many state and local prosecutors' offices. The Midwest HIDTA Special Assistant United States Attorney (SAUSA) Initiative is designed to enhance the resources of these U.S. Attorney's Offices to ensure that additional methamphetamine cases are aggressively prosecuted at the federal or state level. Many of the Midwest HIDTA funded SAUSAs will be cross-designated to assist state prosecutors in their area. Additionally, these SAUSAs will seek to increase cooperation and case development with state and local law enforcement agencies and multi-jurisdictional task forces throughout the region.

Demand Reduction Subsystem: The Demand Reduction Subsystem interacts and enhances both the investigative and prosecution subsystems. This initiative has developed a comprehensive public education campaign to assist and leverage existing law enforcement and community anti-drug coalitions in educating the region's youth, families, and other at risk groups regarding the consequences of methamphetamine. The initiative also is coordinated with the National Campaign developed by ONDCP and the Partnership for a Drug Free America.

DESIRED OUTCOMES FOR FISCAL YEAR 1999

By taking a regional coordinated approach to this problem, the enforcement issues of target displacement and cross-jurisdictional investigations is diminished. The HIDTA Program allows law enforcement to enhance enforcement activities, provide focus to regional problems, and facilitate cooperation between Criminal Justice Agencies. The Midwest HIDTA has developed a cohesive, comprehensive program combining regional, and focused initiatives to implement the mission.

Senator ASHCROFT. Thank you very much and thank you for your work and thank you for your awareness of not only the problem here in the State of Missouri but as it extends all the way up to close to the Canadian border.

It's a special pleasure to call upon this next individual, who is responsible for the safekeeping of my family and me in our farm in Greene County, and he's in his fifth term as the sheriff of Greene County.

I read an article in the newspaper yesterday about your father, who was sheriff, and when one of the prisoners smuggled into the prison a hacksaw blade in his wooden leg, your father then eventually deprived him of his wooden leg and said he would have to hop around for the rest of his time in prison. I thought to myself of the many lawsuits that that might occasion in today's environment.

Mr. PIERPONT. That's right.

Senator ASHCROFT. I guess that was one way to solve the old hacksaw and the wooden leg problem. But Sheriff Pierpont is the past president of the National Sheriffs' Association, 8 years as U.S. marshal in western Missouri, which puts you back in your home territory in that respect, on the board of directors for the Combined Ozarks Multi-Jurisdictional Enforcement Team, COMET. Greene County is one of Missouri's largest, and we have not only seen the

incidence of meth, but we have seen an incidence, I guess, of meth importation there, and I don't know whether you are going to address that or not, but as I talk to officials from other parts of the country, they talk about cartels in the manufacture of methamphetamines, and sometimes amused by the fact that there are the clandestine labs like we have here.

But I'm very pleased to welcome you and would welcome your testimony at this time, Sheriff.

STATEMENT OF JOHN T. PIERPONT

Mr. PIERPONT. Well, thank you, thank you. I'm privileged to be here, and I want to compliment you on coming to the State of Missouri and the Midwest and here in Kansas City, giving us, the law enforcement, the opportunity to express to you our needs.

I speak for the 114 sheriffs of the State of Missouri. My county, Greene County, which is the Senator's home, covers 677 square miles. In 1998, there were 72 labs brought down in our county alone. The percentage of moving continues to increase. Already in 1999, in just 3 months, we have taken down and seized 60 labs, for the third-largest county. For many years Missouri has—and southwest Missouri has really been the focal point of the growing of marijuana. The marijuana growing continues to go on, but the meth has become even a bigger problem for us than the marijuana. The marijuana problem, as the Senator can tell you—we went out in helicopters, by the National Guard and looked for marijuana, and the sad part was we found a lot of it.

Meth continues to grow throughout the country. Cleanup of meth labs and the investigation is a big concern for all of us sheriffs, moneywise. In some cases—I know the governor is—but there has been some lab cases throughout the United States where it takes as high as \$10,000 and maybe more to clean up a meth lab. Also there are not enough trained individuals throughout the country, not enough equipment to clean up those labs.

Interstate 44 from Chicago to LA, which goes through Greene County, through our county, continues to be one of the hottest pipelines in the United States to transport all types of drugs. Numerous stops and arrests have made a large amount of—have ended up in a large amount of money, drugs that have been seized going through Greene County.

Grants to assist sheriffs sometimes are hard to get to the local level. The grants in most cases come to the State, who then has the work of picking the counties to receive the Federal grant money. In some cases in Missouri we have sheriffs that have less than a half a dozen officers, deputies, and the money never reaches those small counties in some cases. However, those counties with the small sheriff's office have major problems with drugs just like those of us in big counties.

The Federal Government must be sure that all law enforcement agencies needing money to fight drugs get the proper grants as soon as possible. Money and equipment are needed. Also major case squads, which a lot of us here testifying today play a part in. In some of those areas we need more and more up-to-date equipment for those major cases, which some of those revolve around drug cases. This is a problem for all sheriffs in Missouri.

We in law enforcement in Missouri and the other 49 States need more deputy sheriffs to fight the problem of drugs. Law enforcement is a team effort, and we need to assist and get the assistance of the Judicial Senate Committee to help us control this big problem. I want to say that we need the Judicial Committee to help us take a big bite out of crime.

I want to thank Senator Ashcroft for giving us the privilege to come here to testify today, as John has—Senator Ashcroft has always been a law enforcement individual. We, at the national sheriffs' level, a couple years ago, in 1996, in Portland, OR, gave him the award as the President's Senator who has done more for law enforcement throughout the United States, and we thank you for that and thank you for letting us testify.

Senator ASHCROFT. Thank you very much, Sheriff Pierpont.

It's my pleasure now to call upon Kirk Thompson, who is the Assistant Director of the Kansas Bureau of Investigation, the KBI, and not the KGB but the KBI. Meth is not just a Missouri problem, and although Missouri meth may have become part of Kansas' problem, because I think we saw some of this stuff apparently earlier than some of our surrounding States did. But it's my pleasure to call upon Director Thompson of the Kansas Bureau of Investigation.

[The prepared statement of Mr. Pierpont follows:]

PREPARED STATEMENT OF JOHN T. PIERPONT

John T. Pierpont is serving his fifth term as Sheriff of Greene County, the 3rd largest county in Missouri. He was first elected Sheriff in 1981. Prior to being elected Sheriff, he was the United States Marshal for Western Missouri for 8 years. He is currently on the Board of Directors of the Combined Ozarks Multi-Jurisdictional Enforcement Team (COMET), and the Chairman of the South Central Major Case Squad. He is the former President of the National Sheriffs' Association 1996, former President of the Missouri Sheriffs' Association, former President of the Missouri Peace Officer's Association (MPOA) and the former President of the Make-A-Wish Foundation of Missouri, Inc.

TESTIMONY

DEAR MR. CHAIRMAN, SENATOR STROM THURMOND AND COMMISSION MEMBER, SENATOR JOHN ASHCROFT: My name is John T. Pierpont. I am the Sheriff of Green County Missouri (Springfield, Missouri), the 3rd largest county in Missouri. I am serving my 5th four year term as Sheriff. Prior to my current position, I served as the United States Marshal for 8 years for the Western District of Missouri with my headquarters here in Kansas City. I was appointed to that position by then President Richard Nixon. I am speaking for the 114 Sheriffs of Missouri. My county covers 677 miles and in 1998 there were 72 methamphetamine labs, both permanent and moving, investigated in my county alone. Already in 1999, in just 3 months, we have taken down and seized 60 labs. For many years Missouri, and especially Southwest Missouri, has been known as the capital of marijuana growth. It has been a major problem for all of us in law enforcement. In the past few years methamphetamine has become an even bigger problem although marijuana is still the choice drug for most drug users, young and old. Meth use has grown tremendously throughout the country. The cleanup of meth labs after an investigation is a big concern for all of us Sheriffs money wise. It can cost up to \$10,000.00 to cleanup a lab. Also there are not enough trained individuals throughout the country and not enough equipment to clean up the labs.

144 from Chicago to Los Angeles, which goes through Greene County, continues to be one of the hottest pipelines in the United States to transport all types of drugs. Numerous stops and arrests are made and large amounts of money and drugs have been seized going through Greene County. Grants to assist local Sheriffs sometimes are hard to get to the local level. The grants, in most cases, come to the state who then picks the counties to receive the Federal grant monies. In some cases in Missouri, we have Sheriff's Offices that have less than half a dozen Deputies, and

the money never reaches those counties. However, the counties with small Sheriff's Offices have a major problem with drugs just like those in bigger counties. The Federal Government must be sure that all law enforcement agencies needing money to fight the drug problem get grants as soon as possible. Money and equipment are needed also for Major Case Squads, which in some areas operate with outdated equipment. This is a priority with Sheriffs in Missouri.

We in law enforcement in Missouri and the other 49 states need more Deputy Sheriffs to fight this problem. Law Enforcement is a team effort and we need the assistance of the Senate Judiciary Committee to help us take an even bigger bite out of crime. Thank you Senator Thurmond for letting me appear before you and Senator Ashcroft. If there are any questions I will be more than happy to answer them.

STATEMENT OF KIRK D. THOMPSON

Mr. THOMPSON. Thank you, Senator.

On behalf of the Kansas attorney general, Carla Stovall, and Director Larry Welch of the KBI, I want to thank you for the opportunity to appear and discuss this crisis that is facing the State of Kansas and the Midwest, that crisis, the illegal production, trafficking, and use of the drug, methamphetamine, and the resultant violence in human suffering left in its wake.

My testimony this morning will deal primarily with two aspects of the methamphetamine problem as seen from the perspective of the State criminal justice agency. The first issue I will address is the challenge of combating a highly mobile narcotics enforcement problem, and the second issue will be the challenge of providing support to those locations within our State that are not designated as HIDTA threat areas.

The KBI is a State criminal investigative agency that functions as a division of the State attorney general's office. Our primary mission is the direct support of county and municipal enforcement agencies and the investigation of major criminal violations that involve multiple jurisdictions. A third but absolutely critical role is the delivery of specialized services to agencies that lack the training and resources to provide those services for themselves. The seizure and dismantling of clandestine methamphetamine labs is such a service.

We, ourselves, are a small organization covering a geographic area of 105 counties, 82,000 square miles, and a population of 2.5 million. We have a current ratio of one narcotics enforcement agency to each of four counties or one agent for 91,000 citizens.

With that background in mind, let me summarize our perspective on the methamphetamine problem and its highly mobile nature. One of our senior agents explains the challenge by using the analogy of the Hydra, the multiheaded monster of Greek mythology. It seems as though, whenever we dismantle one clandestine lab, at least two more springs up in its place. We attribute this phenomenon to three basic things: The ease of moving these labs; the ease of making methamphetamine; and third, but most troublesome for us, is the network of methamphetamine manufacturers.

This network, hidden within the meth subcultures, serves to provide traveling teachers that spread the techniques and expertise relating to meth manufacture. Our investigations have repeatedly confirmed that people responsible for bringing the processes to Kansas come from outside our State, but by the same token we

know that as the problems spread into Kansas we have been or will be the source of traveling meth dealers to our neighbors.

Our investigations reveal that these meth cooks come into our State and establish contact with our resident violators. They pass along the knowledge of their trade and move on and establish contact in another area. It's like a nightmarish chain letter. The problem is increasing geometrically just like the heads of the Hydra, and with our current resources we just can't keep up with the pace.

Our experiences with the mobile nature of the problem brings me to the issue of non—excuse me, of support to non-HIDTA counties. In Kansas, there are two agencies equipped and trained to dismantle methamphetamine labs, the KBI and the DEA. In 1997, 67 percent of our 99 meth labs were in HIDTA counties. In 1998, 25 percent of our 189 labs were in HIDTA counties. And thus far in 1999, 30 percent of our 116 labs were in HIDTA counties.

With these statistics in mind, I want to point out the mobile nature of the problem. It's absolutely necessary for the KBI and DEA to aggressively attack the problem. We can't let this thing breed in a given area until it reaches Hydra proportions. As a State enforcement agency, we know where the problem is at any given time, and we need to retain the flexibility to correlate Federal, State, and local resources to achieve the highest degree of integrity.

I want to take a minute and thank the Federal Government for their leadership in Edward Byrne Memorial Grant Program, COPS and HIDTA programs. Without these critical programs, we couldn't begin to deal with this crisis. And although we have been discussing meth today, I have to tell you that other drug problems have not gone away nor have they been reduced in any significant way.

The HIDTA program not only has enabled us to deploy significant resources, but it's created a formal and informal information sharing network. HIDTA has provided the mechanism for my agency to share information and resources with other states on a level not possible before.

If our projections hold true and we encounter 500 labs this year, we will be stretched beyond our breaking point.

We are at a critical juncture, and your continuing support of State and local law enforcement efforts through these programs is greatly appreciated and is making a difference.

Thank you, and I would be happy to take any questions.

[The prepared statement of Mr. Thompson follows:]

PREPARED STATEMENT OF KIRK D. THOMPSON

Members of the Committee: On behalf of Kansas Attorney General Carla Stovall and Director Larry Welch of the Kansas Bureau of Investigation (KBI), I want to thank you for the opportunity to appear and discuss a crisis that is facing the State of Kansas and the Midwest. That crisis is the illegal production, trafficking and use of the drug methamphetamine and the resultant violence and human suffering that comes in its wake.

My testimony this morning will deal primarily with two aspects of the methamphetamine problem as seen from the perspective of a state criminal investigative agency. The first issue I will address is the challenge of combating a highly mobile narcotics enforcement problem and the second issue I will address is the challenge of providing support to those locations within our state that are not designated as HIDTA threat areas.

Before I begin, I want to tell you briefly about my agency and myself. The KBI is a state criminal investigative agency that functions as a division of the State At-

torney General's Office. Our primary mission is the direct support of county and municipal law enforcement agencies and the investigation of major criminal violations that involve multiple jurisdictions. A third, but absolutely critical role, is the delivery of specialized services to agencies that lack the training and resources to provide those services for themselves. The seizure and dismantling of clandestine methamphetamine labs is one such service.

We are a relatively small organization covering a geographic area of 105 counties, 82,000 square miles and a population of 2.5 million. We have a current ratio of one narcotics enforcement agent to each of four counties or one agent to 91,000 citizens. My primary role is the oversight of our narcotics enforcement efforts.

The KBI participates fully in the Midwest High Intensity Drug Trafficking Area (HIDTA) Program and I function as the state coordinator.

With that background in mind, let me summarize our perspective on the methamphetamine problem and why its highly mobile nature is such a challenge. One of our senior agents explains this challenge by using the analogy of the Hydra, the multi-headed monster of Greek Mythology. It seems as though whenever we dismantle one clandestine laboratory, at least two more spring up in their place. We attribute this phenomena to three basic things; the relative ease of moving the "cold cook" or ephedrine reduction labs that we most frequently see, the relative ease of manufacturing methamphetamine with that process, and third, but most troublesome is the network of methamphetamine manufacturers.

This network, hidden within the methamphetamine subculture, serves to provide traveling teachers that spread the techniques and expertise relating to methamphetamine manufacture. Our investigations have repeatedly confirmed that the people responsible for bringing the methamphetamine manufacturing processes to Kansas come from outside of our state. Frequently, the people we arrest for methamphetamine manufacture are from, or are associated with, individuals residing in Missouri and Oklahoma. By the same token, we know that as the problem has spread into Kansas, we have been or will be the source of the traveling methamphetamine teachers to our neighbors.

Our investigations reveal that these methamphetamine cooks come into our state and establish contact with our resident narcotics violators. They pass along the knowledge of their trade and often help them make the first several batches of product. They then move on and establish other contacts in other areas. The resident violator then passes that same knowledge and experience along to their associates and the process repeats itself. It is like a nightmarish chain letter. The problem is increasing geometrically just like the heads of a Hydra and, with our current resources, we can't keep up the pace.

Our experiences with the mobile nature of the methamphetamine problem brings me to the issue of support to non-HIDTA counties. In Kansas, there are two agencies equipped and trained to dismantle methamphetamine labs, the KBI and the DEA. In 1998, the KBI responded to approximately 75 percent of the lab sites while DEA responded to approximately 25 percent. In 1997, 67 percent of the 99 labs in Kansas were in HIDTA counties. In 1998, 25 percent of the 189 labs in Kansas were in HIDTA counties, and thus far in 1999, 30 percent of the 116 labs in Kansas have been in HIDTA counties. I might point out that at the current rate, Kansas will dismantle well over 500 labs this year.

What these statistics point out is the mobile nature of the problem and the absolute necessity for the KBI and DEA to be able to aggressively, and in a timely fashion, attack the problem. That attack must be waged against the problem wherever it takes us. We cannot be confined to a geographical area to combat this type of a crisis. We cannot let a problem breed in a given area until it reaches the HIDTA designation level and then try to deal with it. As a state enforcement agency, we know where the problem is at any given time, and we need to retain the flexibility to parlay federal and state resources to achieve the highest degree of effectiveness.

At this point, I want to digress and thank the federal government for their foresight and leadership in the area of drug enforcement by way of the Edward G. Byrne memorial grant program, COPS and HIDTA. Without those critical programs, we could not begin to deal with this crisis. And although we have been discussing methamphetamine today, I must tell you that our other drug problems have not gone away, nor have they been reduced in any significant way.

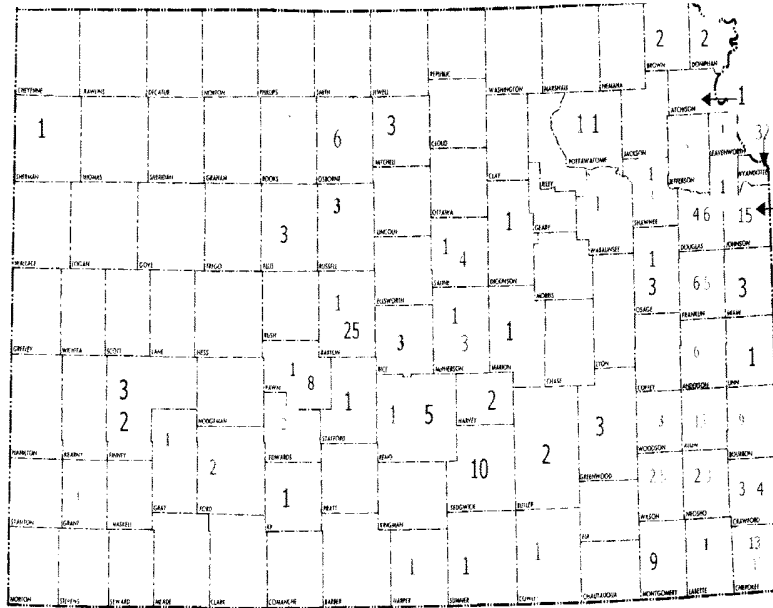
The HIDTA program deserves a second mention because, not only has it enabled us to deploy significant resources against the methamphetamine threat, it has by its very nature created a formal and informal information sharing network. HIDTA has provided the mechanism for my agency to share information and resources with other states on a level not possible before. The alliance that has been built among drug enforcement agencies in the region will serve all of us well into the future.

The mobile nature of the methamphetamine problem is being addressed more effectively because of the regional focus that HIDTA has brought to us all. The flexibility of the HIDTA program has allowed us to focus on the problems we face wherever they may lead. But despite HIDTA's best efforts, the resource problems remain. The methamphetamine crisis in Kansas keeps growing. If our projections hold true, and we encounter 500 clandestine labs this year, we will be stretched beyond our breaking point.

Our current overtime levels are excessive as a result of our response to the high numbers of these labs. We sometimes feel that we are in the "Firehouse Mode"; that is, that all our efforts are directed at dismantling the labs, and few resources remain to conduct follow-up investigations or engage in proactive measures. We are at a critical juncture. Your continuing support of state and local law enforcement efforts through programs such as HIDTA is greatly appreciated and is making a difference.

Thank you for your interest and the opportunity to speak on behalf of law enforcement in Kansas. I would now be happy to take any questions or clarify any material that I presented.

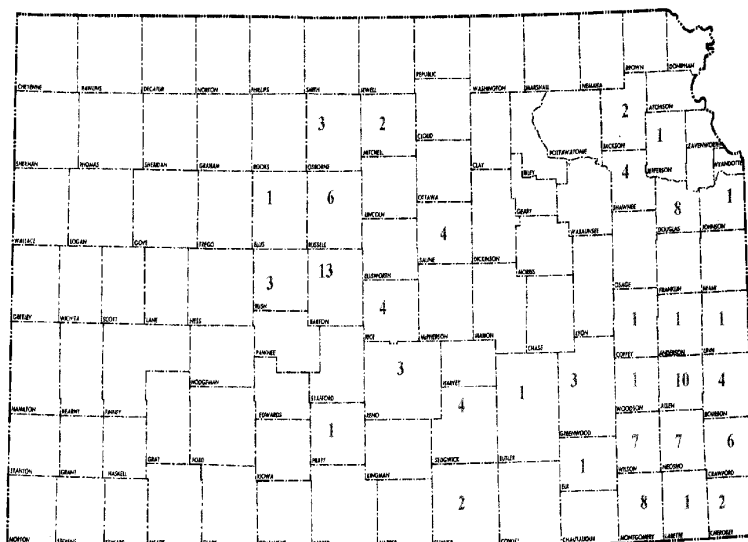
KANSAS CLANDESTINE METHAMPHETAMINE LABORATORY SEIZURES
1997 & 1998



Source: KBI/DEA Records

1997 Seizures - **99** - KBI and DFA
1998 Seizures - **189** - (1-1-98 through 01-01-99)
KRT and DFA

Kansas Clandestine Methamphetamine Laboratory Seizures
1999



**KBI/DEA/Local Agency
Combined Methamphetamine Labs
(1-1-99 to 3-20-99) - 116**

Senator ASHCROFT. Well, thank you very much. I'm using two pens because I'm marking blue stuff by what I want to ask questions about, and many of you have mentioned things that are very, very interesting to me, and I will want to come back and ask questions about a couple of items that you have raised along with items that have been raised by each of the presenters.

It's my pleasure now to call upon Terri Williams, who has been active in working on these drug issues for quite some time and is the director of operations for the North Central Drug Taskforce. I think we first met a couple years ago when I was working on this very problem in Ray County. When we met, some of the things you told me at that time really brought home in a way that I just never understood before, the impact that making meth can have on children and people who are sort of close to those who are manufacturing it. You told, I think, one story about bathing these kids, not being able to get them to clear water. Their skin kept releasing these toxic chemicals as they would be bathed. That had a profound effect on me. I have never forgotten that. Maybe I should never forget that. But it's part of the difficulty of this very serious challenge.

It's my pleasure to welcome the director of operations from the North Central Drug Taskforce, Terri Williams.

Thank you for coming to testify.

STATEMENT OF TERRI WILLIAMS

Ms. WILLIAMS. Well, thank you, Senator, for inviting me. I'm thrilled to be here, and I'm thrilled to get to tell that story again in detail, so maybe you can rest easier or at least keep it in mind and know the whole story.

Three years ago this very week our taskforce received a call from a small school in Ray County. They said at that time that there was a 9-year-old boy in their office who knew how to cook methamphetamine. Now, we could barely pronounce it at that time, let alone spell it, and we decided to take that child up on his offer to teach us to cook methamphetamine. Now, keeping in mind we had been through all kinds of training. My officers had been to lab certification school through DEA. Our area covers 10 counties, we were running crazy, but we wanted to talk to this child. And as this child sat and began talking to us, he told us how the process worked, and "Make sure and get the heat right here, and turn it down here, because if it gets too hot you may have a fire." This was a child who knew what he was talking about, because he had watched. We did apply for search warrants, and we served those search warrants. And when the leader of my squad went in, dressed in his black fatigues with a hood on and a very large gun, this child ran up to him and hugged him, like he was Santa Claus, and said, "Where have you been?" I saw a grown man cry that day, and that officer is now driving trucks for a living.

I don't think that we see the whole picture and who all this affects. We took those children out of that house that night, and about 3 o'clock in the morning, the foster mother called me. She said, "I keep bathing these kids, and the water is still green. What do I do?" And 3 years ago we hadn't had the kind of training to teach us what we do with this kind of situation.

That's the house that the children came out of. Since then this gentleman has been charged in four methamphetamine labs. He has not seen a court date yet. We also took from that residence his dog and his pet goat. Since—in that 3 years, since that search warrant, we have gotten calls on “Where's my dog?” and “Where's my goat?” He has not yet tried to retain custody of his children.

I think that, in looking at the whole picture, and I agree with every gentleman here today and their testimony, I do the things that they do as well, and we are funded under the NCAP program and under the HIDTA initiative for our 10 counties. I agree with everything that they have said. I agree with the things that need to be looked at and their opinions. I think that we need to look at the entire picture and to see that methamphetamine is not a victimless crime. I think we need to know that, with every law enforcement officer sitting in this room today and those that work for them, they are away from their families sometimes 2 and 3 days at a time, working methamphetamine labs. Those children suffer as well. Those officers' wives and husbands suffer as well.

I think it's time for those that manufacture methamphetamine to be held responsible and accountable. I agree that they need to not only pay for the cost of cleanup but to clean up their homes and to pay for the emotional damage that their children have suffered, the counseling, and whatever else it takes in the schools to make this go away.

I thank you very much for letting me tell this story today, that stemmed from 3 years ago, in our conversation, or 2 years ago. I think it is something we all need to think about. I think it's the human side of the story. I, like these gentlemen, fight for funding every day. I have 10 sheriffs I'm responsible to. I agree that we need to fight for that money, but I also agree that we need to remember that a child's biggest problem is if they can get off that bus and get on that bike and ride until the sun goes down when mom calls them in for dinner. And I think we need to remember that a child of 9 years old needs to learn to cook a scrambled egg, not a batch of methamphetamine.

Thank you.

Senator ASHCROFT. You almost saw another grown man cry. It's hard for me to understand that, given the fact that I guess I'm just looking at a new grandson this morning here in Kansas City and thinking about the world in which he's coming into.

It's my pleasure now to call upon the prosecutor from the metropolitan area here in Kansas City, Platte County. Platte County is one of those growth areas that is exploding with population and growth and is facing all the kinds of challenges that are attendant to law enforcement in our culture and in our communities. Todd Graves is being creative in getting individuals who represent the kinds of threat we are talking about behind bars. I was recently with Governor Pataki of the State of New York. He said people kept telling him that he needed to find the root causes of crime and to deal with them. He said, “We have found the root causes of crime. We have arrested them, we have prosecuted them, and we have put them in jail. And having done so, the crimes have gone down.” So I guess your job, Prosecutor Graves, is to find the root causes of

crime and to arrest them and put them in jail. Thank you for coming. We will be pleased to hear your testimony.

STATEMENT OF TODD GRAVES

Mr. GRAVES. Thank you, Senator. I want to first of all thank you for your leadership in the HIDTA taskforce, that happens to be located in our county. We are a slice of Kansas City, a suburban area, and that is very helpful to us, and I know to all the prosecutors in the area.

I had some prepared remarks that I wanted to depart from at this point. I was—

Senator ASHCROFT. If your remarks are in writing—and any of you, let me just say, any of you that want to submit more comprehensive remarks for the record here, we would be glad to have them.

Mr. GRAVES. I would like to submit those. The reason I want to depart is I'm one of those people who actually takes the laws that are passed in the State of Missouri into the courtroom and enforces them, and I learned here this morning that we have one of the toughest meth laws in the United States, and it was held up as a model for the Federal Government to emulate when they were passing their legislation, and I think that we did make some significant gains with that law that was passed several years—or 2 years ago. Was it last year? It was last year. But I also think there are some huge problems with it, and it really misses the mark, and I would hate for the Senate to follow that as a model in many respects.

The problems with that law are, first of all, it's directed at traffickers, and that's not the work-a-day statute that people are charged with methamphetamine. It's actually under a different statute, which is possess with intent to distribute. That is a trafficking statute. And for certain traffickers it did enhance the penalty a great deal. But the key is, the difference is, with an intent statute, we can charge someone, put them in prison for having meth, and proving the intent, that they intend to distribute that or sell it. With the trafficking statute, we have to catch them in the act of actually trafficking that meth. And that's not always easy to do, or before manufacturing, under certain circumstances.

And so it's an intent versus an act standard, and I think you should focus more on the action rather than on the trafficking standard, which requires a substantial step, and the possibilities of defense, and there are all sorts of loopholes with that type of law.

Another thing that that law did that I would hate to see the U.S. Senate focus on is it focused on weight, and trafficking statutes are weight, and the cocaine statutes and crack statutes are weight-based statutes, but in Missouri, in a meth lab, weight is not always a factor. We may find the lab, but this is not like the cocaine history we have, where they bring 10 pounds or 10 kilos in through the airport in suitcases and you can rate how bad a criminal they are by how much they have. Typically meth cookers cook just enough to sell just enough to buy just enough ingredients so they can use enough and cook enough so there are very few Mister Bigs in the meth trade in the area. There are a lot of Mister Medium-Sized players or small players. And so if we bust a lab or one of

the sheriffs departments busts a lab and they get even a small amount, we can prove that they intended to distribute that, no matter what amount it is, that is a much easier case for us to make. And, as I said, that is the work-a-day statute. That is not the glitzy statute.

Another problem with focusing only on the kingpins, which there are fewer in meth than in other areas, is that, under our statute, it only goes down to a 10-year minimum. It's an A felony, 10 to 30 or life. And if they get enough weight they aren't eligible for probation or parole. But we need to have a lot of sentences in the 2 to 10-year range, not necessarily 10 years or drop the load at, you get into a parole system, which in Missouri typically, on a drug crime, if you go down the first time, you are going to do somewhere between 15 and 30 percent of your sentence, if you are down for the first time, and that is something that the Federal Government has a leg up on us on, is they have done away with probation and parole. We have for certain crimes. But they also have a thing known as mandatory minimums, which several of us proposed that those be included in this meth law that was passed a year ago that has been held up as a model. Those were not included. And that is something like, where someone is caught and committing a crime with a gun, that is an armed criminal action. As a prosecutor, if I do not dismiss that count and I convict that person, that judge must sentence that person to at least 3 years real time in prison. And they do that. We need some of those sentences in meth crimes, and we need a sentence where I can get someone to go away for 2 years for sure, not where I'm in a 5 to 15 statute, if I get 5, he does 1, he may get probation, he may be back out on the street, as has been alluded to earlier. So we need mandatory minimums in the work-a-day statutes.

And, finally, that law, the treatment aspect of it, is something that I would ask that you consider as you are drafting your legislation. The treatment aspect of that law is such a narrow window, and we joke about being able to hit the bull's eye. To get into treatment, there is a long-term treatment program in the Missouri Department of Corrections, which is a very good program, but to get into it you have to have at least two felony convictions, and none of them violent convictions. So every one you go through, you are trying to get them put into prison, it's like the moon has to be, you know, full on Tuesday night, and then you get into the treatment program. And people have gone through that. It is a long-term treatment program. Long-term treatment is very important in these types of crimes, and that has been very helpful.

I would be happy to answer any questions, if you want to go into this further, but that's the extent of my remarks on that. What I had intended to testify on was the fact that it's not a victimless crime. I have some pictures of homes where they went in. And the victims in meth, particularly, are children. One case, the officer actually kicked the door down, is here. He kicked the door down, and a man is kneeling beside his bed with a needle in his arm, and the young girl is standing there watching him shoot up meth while she eats scrambled eggs, and they hadn't had electricity in that apartment. We haven't figured out how they cooked the eggs in the first place. That was a public housing apartment. And I would also ap-

preciate whoever is—I know you passed a law based on public health.

Senator ASHCROFT. Hold up the pictures just a little bit, if you would.

Mr. GRAVES. Meth is very common in the rural and lower blue collar—lower middle class blue collar areas. This particular picture was taken on Waukomis Drive in southeastern Platte County, and this is the child's room, pictures of the child's room. And this is a picture of the refrigerator. It's interesting. He lost his electricity. They cut the electricity off, because all he wanted to do was use meth. And so he ran a cord out the window, down the hill, and plugged it into the side of the apartment building. But he didn't plug in the refrigerator. He plugged in the stereo and the TV. And this is a picture in the more rural part of the county. This is the house that people were actually living in, cooking meth in. These are some of the guns and things that we found in the house.

Senator ASHCROFT. Is that money down in the lower right-hand corner?

Mr. GRAVES. That is money, drug money. There is an 8-month old—

Senator ASHCROFT. Did you guys confiscate that money?

Mr. GRAVES. It was confiscated by the sheriff's department. I'm not sure where it ended up.

Senator ASHCROFT. Well, now, you need to be sure where it ended up.

Mr. GRAVES. I know it ended up at the police department.

Senator ASHCROFT. That is one of the requirements.

Mr. GRAVES. This—there were three—

Senator ASHCROFT. Would you make that available, if you would. We are going to take a little break between panels, so that people could take a look at that?

Mr. GRAVES. OK; that is all I have. Thank you.

[The prepared statement of Mr. Graves follows:]

PREPARED STATEMENT OF TODD GRAVES

People often say that drug crimes are "victimless" crimes. In one sense, this may be true. In possession, sale and manufacturing cases there is no "victim" to testify in court. In another very real sense, however, the growing methamphetamine problem claims new victims every day.

I'm not going to be vague about the societal implications of this drug or its impact on our youth. I don't need to be. We, in Kansas City, see and feel the effects of methamphetamine daily. We see it in very tangible situations.

We see it in convenience store robberies committed by users looking for cash to score a "quick fix." We see it in homes being burglarized and property being pawned, again for money to buy meth. We see it in twenty-year-olds who are murdered because they irritated the wrong members of a group of meth users. And we see it in children living in squalor because their father is too addicted and high to care that there is no food or electricity in the house.

I can recount two specific cases (out of many) handled by our office over the past few years, which are the most basic illustrations of the role that methamphetamine is playing in this city.

In October of 1996, hunters near Parkville, a suburb of Kansas City, discovered the rotting remains of a twenty-three year old man. He had been shot to death and then, apparently, the body was burned. The victim was identified only after an artist recreated a tattoo on the arm of the corpse and a drawing of the tattoo was aired on the local news. He was the son of a doctor and a state probation officer.

The group of people with whom the victim associated before his murder was largely involved in the use of methamphetamine. They smoked it. They snorted it. They shot up intravenously. These were young men and women, not long out of high

school, in their early to mid-twenties, living in suburban Kansas City. At some point, this gang of meth users began associating with a 42-year-old ex-con. They thought of themselves as real renegades. The convict had been in prison for many years previously due to armed robbery and a prison homicide. These young people, for whatever warped reason, looked up to him. I believe they looked up to him because he had killed someone in prison.

When one of the young women in the group got fed up with the victim, who had been “crashing” at her apartment, the con and another young woman took it upon themselves to take care of the situation. The victim was considered somewhat of an annoyance amongst the rest of the group. The con shot the victim, then drove him to a field outside of Parkville, shot him several more times and left him to rot.

Methamphetamines consumed the lives of these people. They did whatever they needed to do in order to stay high. The addiction and physical effects of the drug took their toll, by warping the perspectives of these people to the point that killing someone, someone that they even considered their friend, was okay. All they wanted to do, their entire life focus, was cook and score meth. The victim’s involvement in this group of users and the meth culture got him killed. For no reason other than someone got tired of him.

The second case that I want to tell you about involves the most innocent victims of this methamphetamine epidemic. The children of methamphetamine abusers are victimized merely by witnessing the degeneration of their parents. Their minds are shaped and educated in an environment dedicated to maintaining a high. Not only is there a mental and emotional component to this neglect but also there is often a real physical threat as well.

In the spring of 1997, the Platte County Sheriff’s Department received information that a thirty-three year old man was manufacturing and selling meth out of his apartment in suburban Kansas City. They eventually got a search warrant for this apartment.

When the officers entered the apartment to execute the warrant, they found the defendant kneeling beside his bed, preparing to shoot up with methamphetamine. His four-year-old daughter was standing directly beside him. Also in the apartment were the defendant’s two other children, ages six and seven. The only other adult in the apartment was a friend of the defendant’s who police later discovered was a convicted child molester.

There was no electricity in the apartment. The defendant had run an extension cord into the hallway and plugged it into an outlet there. The only things plugged into the extension cord were the television, VCR and stereo.

The apartment was filthy, with bugs crawling everywhere. The inside of the refrigerator (which wasn’t operating because of the fact that there was no electricity) was covered in maggots and flies, due to decomposing meat. This third floor apartment had no window screens to keep the children from falling out. There was no food that appeared edible in the residence.

He admitted to using meth on a daily basis from age 25 to the day he was arrested. He stated that he found himself using larger and larger amounts of the drug to achieve the same level of “high”.

Methamphetamine was more important to this man than food. It was more important than electricity. It was more important than a four-year-old, a six-year-old and a seven-year-old. Unfortunately that scene of absolute squalor and neglected children is common with meth users.

So when people try to say that drug offenses are victimless crimes, they’re hideously mistaken. In fact, that statement couldn’t be further from the truth.

Senator ASHCROFT. Well, thank you. Boy, I don’t know where to start. I appreciate the governor saying that he thought that there were areas of the State that needed to have the benefit of HIDTA that don’t have it, and this is a tension in this Federal program, and there are—I think, Sheriff Starke, you sort of indicated that you don’t get some of the benefits you would like to get. Are you covered by HIDTA?

Mr. STARKE. No, sir.

Senator ASHCROFT. You are not.

Mr. STARKE. No.

Senator ASHCROFT. Do you all have recommendations about that general point, the need for HIDTA? And Director Thompson, you

said you can't wait until something becomes HIDTA eligible, because that almost signals that your war has been lost in that area.

Mr. THOMPSON. That's correct. One of the problems—

Mr. ASHCROFT. What should the Federal Government be doing here in regard to HIDTA? We get special money because it's high intensity, and then we see needs in other areas, and they are not high intensity yet. It seems like we have to wait until we lose the battle before we send the troops in there.

Mr. THOMPSON. We have used the approach, and we have received the flexibility to do so, by our laboratory-trained people. We are able to send them wherever we need to in the state. If there is any kind of a—

Senator ASHCROFT. For the HIDTA lab services, you can send them anywhere in the State?

Mr. THOMPSON. We have been doing that as long as we can demonstrate some type of a nexus to the HIDTA counties.

Senator ASHCROFT. Of course, there is nexus everywhere here. You called the Hydra for HIDTA.

Mr. THOMPSON. For the most part, that is what we are finding. There is a subculture out there that is connected together, and at least we are trying to take our resources that we are receiving and take them to the site that is needed. And it has been fairly successful for us.

Senator ASHCROFT. Director Barton, you said clandestine manufacturers concentrated in Missouri, Kansas, and Iowa.

Mr. BARTON. Yes.

Senator ASHCROFT. Are they cartel-sourced meth—

Mr. BARTON. At the present time the most serious problem in Nebraska, South Dakota, and North Dakota appears to be importation issues rather than clandestine manufacture, but we have seen that begin to change in Iowa. I will give you an example. The Iowa Division of Narcotics Enforcement, State police narcotics agency in Iowa, for calendar year 1998, they seized 302 lab—excuse me, 320 labs, which was over a 400 percent increase over 1997. So the movement of labs is of course a significant issue for HIDTA agencies.

Senator ASHCROFT. It looked like Kansas is anticipating between 1997 and 1999 a 500 percent increase. Do you think there will be 500 this year? And there were 99 in 1997.

Mr. THOMPSON. We went from 189 last year, and we are already at 125 as of yesterday, and at that rate we will be well over 500 by the end of this calendar year.

Senator ASHCROFT. I know Sheriff Pierpont, 60 labs in the first 3 months of this year and not “only,” but 72 labs in all of last year.

Mr. PIERPONT. That is exactly right.

Senator ASHCROFT. So is it possible that HIDTA then can serve—Kansas seems to be operating on a principle of being able to extend some HIDTA services beyond the HIDTA counties. Is that—

Mr. BARTON. One of the strengths of the HIDTA program, if I might, is the ability to be flexible regionally, in that we have the executive committee of the—HIDTA has some flexibility, and there are two nexuses that we operate on.

No. 1, for most of the money, the first nexus is methamphetamine involvement. The second nexus is a tie or relationship to a

high-intensity area. The idea of the HIDTA program is to focus Federal, State, and local resources on the most critical area, not making light of anyone else's problems, obviously, because we all have problems, but it attempts to provide some focus using funds, Federal funds, as a mechanism to increase that focus. HIDTA program is not a grant program, per se, but it is a funding mechanism to provide that focus. The flexibility of the executive committee has attempted to expand our counties for fiscal year 1999, and that process—we had the input from all the governors' offices. Governor Carnahan's office was involved in helping us do that. And so we see that as a potential each and every year as we do assessment.

Senator ASHCROFT. I guess I'm a little bit charmed about the idea that in Kansas they have 100 counties—is that right?

Mr. THOMPSON. One-hundred and five, yes.

Senator ASHCROFT. One-hundred and five, well, we have you beat by a hundred and some, nine counties, I guess. We must be all the top States in the country with number of counties. But be that as it may, you have eight counties that are part of HIDTA now and six that are nominated for HIDTA inclusion, but you are providing some of those services to counties like Sheriff Starke's county that doesn't have any—either it's not nominated, and it's not included, but it's still getting some of the services. Missouri has 10 counties that are in it now and another 7 slated to come on. Would it be possible in Missouri for Missouri to operate flexibly, to provide some services to outside—so that—we don't need to change the law to make that possible?

Mr. BARTON. No, sir.

Senator ASHCROFT. OK, because I—

Mr. BARTON. That is a current—the Missouri highway patrol and Missouri DPS are working outside—or using that same nexus issue we just discussed.

Senator ASHCROFT. Oh, they are? So they are—can provide some assistance to Sheriff Starke?

Mr. BARTON. If those two nexuses are—are met, yes, sir.

Mr. PIERPONT. The taskforce can be formed, Senator, by—like we have seven counties in southwest Missouri, are in common, which is—has people from the sheriffs' offices, Springfield Police Department, NHTSA also has a supervisor—that unit is a Missouri highway patrolman. And we have been very successful with that and also—

Senator ASHCROFT. Does your unit require that—I think the sheriff is talking about Pettis County having to give away an officer and not being assured that he could use the officer to direct his—does your—does the cooperative effort that you have require that you give up an officer full time or lose some level of control over the officer?

Mr. PIERPONT. He is assigned to the common taskforce, and consequently we do pay that salary, but the car that he drives is furnished by the taskforce.

Senator ASHCROFT. By the grant and—

Mr. PIERPONT. Yes, that's correct.

Senator ASHCROFT. Well, you know, it seems to me that you mentioned that we have to make sure that we can—as you turn up the heat on the meth, in some areas, it appears to be that it migrates,

and if it migrates to more rural areas, I think we have to find ways to try and address that.

Ms. WILLIAMS, that story is—you are right, it is an amazing thing. This individual has yet to be convicted or tried for these offenses?

Ms. WILLIAMS. None of my officers involved with any of the four lab cases have been subpoenaed to court as of yet for any reason.

Senator ASHCROFT. Boy, that is——

Ms. WILLIAMS. And there have been no pleadings, so——

Senator ASHCROFT. Has he been charged? Do you know?

Ms. WILLIAMS. He was charged, as far as I know, and this has been ongoing—the house eventually he set on fire to cover a lab, and so the house no longer exists. So he's been busy.

I would like to make a comment if I could, real quick, about the HIDTA situation——

Senator ASHCROFT. Yes.

Ms. WILLIAMS. Because we are involved in HIDTA, and like I said, we surround 10 counties, but when any outside agency calls with a problem, similar, that fits our HIDTA situation, we will absolutely assist those people. So we are setting up something different, I think, than what the sheriff said about COMET, but we are able to branch out a bit as well, so——

Senator ASHCROFT. I think it's good if these things have different character and nature in different areas so they serve the area the way that the area needs to be served. The last thing we want to do as a Federal Government is sort of mandate a uniformity on everybody that keeps you from being able to get what you are needing.

Sheriff Starke said there is a policy that keeps the highway patrol out of most of the efforts to take down the lab. Is that a uniform observation that you have and is that true in your area?

Ms. WILLIAMS. Yes.

Senator ASHCROFT. It is? Would that be true in your area?

Mr. PIERPONT. In our area, we also have HIDTA. The DEA has been very helpful in coming down. Like this morning we took down a lab last night, and they are always very efficient and very cooperative to come out and help us. But we are a metropolitan area. I realize that.

Senator ASHCROFT. Does the highway patrol get involved in any of your lab——

Mr. PIERPONT. They have, yes, they have.

Senator ASHCROFT. What is the word you use? Lab busts? I mean, that sounds funny. Lab takedowns? What is the right word I should be using? I'm always struggling.

Mr. THOMPSON. We use the term "seizures."

Senator ASHCROFT. Lab seizures.

Mr. THOMPSON. We are taking the evidence, seizing the evidence.

Senator ASHCROFT. I think that is a good word, and I'm going to try and remember to use that word.

Is there anything that any of you, having heard this discussion—that you would like to add, thinking—detecting from my questions, or watching me scramble to write notes, that you think I might have missed on this?

Mr. PIERPONT. I don't know how we control this, Senator, but today, the one that we had this morning in western Greene County, that particular area, neighborhood, has had at least 15 labs busted there in the last year and a half. These people tend to, as all these experts can say, also, go back—they are just kind of like—I don't know how to explain it, but they go back to their—to where their environment is, where they know they can cook, they know they are going to be busted, but we can't get the message to them that we are going to keep taking them down and down and down. But it's a major problem, because as she mentioned about the children, and I think I mentioned to you about a year ago about the raid that we had on a lab, and the two kids were glad to see the officers because Dad and Mom were cooking meth in the microwave and the food was beginning to taste bad. And those things happen quite frequently.

Senator ASHCROFT. Sheriff? Anything else you would like to add?

Mr. STARKE. Not that I can think of right now.

Senator ASHCROFT. Can you think of any way that we can adjust this program—I'm concerned about people with real problems like you have. The 31 meth labs in 2 years is significant. If every county in the State had 31 meth labs in 2 years and there are 114 counties, you are talking about 13 or 14 hundred meth labs which is higher than the average.

One last figure. He talked about one drug agent per 91,000 people in Kansas. Does anybody know what the figure is in the State of Missouri?

Mr. PIERPONT. I would be afraid to know.

Senator ASHCROFT. Well, I don't know, either. I'm here to learn, and I just wondered if we had some—anything like that.

Let me express my appreciation to each of you for coming. You have challenged me to try and find ways to make our efforts more effective at the Federal level, and nothing that we can ever do will ever compare to the kind of commitment that you make, and I appreciate your candor. It's not easy to say where you are having problems and not easy to indicate that—where you are not getting support, you are not getting it, and where it—you know, I—but we can't work to correct things unless we have good information, and your being here is a great service to me, and I thank you on behalf of the Senate Judiciary Committee, chairman of the committee, Senator Hatch, and the chairman of the Subcommittee on Criminal Law Oversight, Senator Strom Thurmond. Thank you very much. And we will take about 4 minutes to just rearrange ourselves and call the next panel.

Thank you very much.

Senator ASHCROFT. If we could come back to order, I want to thank you all for being here. We have a little less than an hour, but that should give us time for you all to make 5-minute comments and then provide some conversation back and forth. I hope the second hour of this endeavor is as productive in terms of my own experience as the first hour because I have learned many new things. I have to go back and check right away, for instance, as to whether or not we have any kind of direction to the judges to require participation in the cleanup fees. I thought that was a good idea—you guys take major hits, you law enforcement officials, in

terms of what it costs you to clean up these things. And if there are resources that could be devoted to that, I don't want to discuss the first panel again. I want to give you your chance. But this is a very productive enterprise for me in helping me tune my consciousness to what is happening at ground zero.

So first, without substantial additional talking from the Senator, the commander of the Kansas City Metro Meth Taskforce, Barry Mayer, who, with his troops, are down in the trenches, where the battle is being waged here. And I thank you for coming, and let me get my note-taking apparatus here, and please proceed.

PANEL CONSISTING OF BARRY MAYER, COMMANDER, KANSAS CITY METRO METHAMPHETAMINE TASKFORCE; JOSEPH CORCORAN, DRUG ENFORCEMENT AGENCY; GARY HOWELL, DIRECTOR, KCPD CRIME LAB; TERESA LOAR, COUNCIL-WOMAN, FIRST DISTRICT, KANSAS CITY, MO; JOHN STUFFLEBEAN, DIRECTOR, OFFICE OF ENVIRONMENTAL MANAGEMENT; AND CHARLES HEISS, SHERIFF, JOHNSON COUNTY, MO

STATEMENT OF BARRY MAYER

Mr. MAYER. Thank you. My name is Barry Mayer. I'm a captain with the Kansas City, MO, Police Department. I'm currently assigned to the Midwest HIDTA's Kansas City metropolitan methamphetamine enforcement initiative taskforce. We are commonly referred as the Metro Meth Taskforce.

It didn't take long for local law enforcement and Federal agencies working the methamphetamine problem in the Kansas City metropolitan area to discover that the war against meth was a different kind of drug war. Meth and the threat of meth labs in our neighborhoods and in our rural areas resulted in fires, explosions, child endangerments, and of course the contamination risks. These issues have brought local, State, and Federal agencies together. We all realized that we had to do something besides just being available to react to the discovery of these labs. We needed to go proactive.

Midwest HIDTA made this possible. With their funding and assistance, local police agencies from Kansas City, Missouri, Independence, Kansas City, Kansas, Lee's Summit, Blue Springs, county organizations from the Jackson County Drug Taskforce, Jackson County prosecutor's office, Platte County Sheriff's Department, as well as Federal agencies, like DEA, FBI, U.S. Marshal Service, ATF, and U.S. Secret Service, can now work in an atmosphere of communication, coordination, and cooperation, all in a collocated setting, and create a work force capable of assisting in processing meth labs and more importantly capable of proactively discovering meth labs and interrupting that criminal enterprise.

Working as a multijurisdictional enforcement group, our taskforce members can now move freely across jurisdictional boundaries we previously had to respect. Now instead of waiting in the office for the report of a lab, we are more capable of following up on tips from conscientious citizens and leads developed from lab investigations to locate more labs and arrest more offenders. In addition, we haven't forgotten the increased presence of the Mexican

meth in the community. While that threat is strongest in Kansas City, KS, its spread throughout our metro area and cannot be ignored. Consequently, a taskforce member from the Kansas City, KS, Police Department is assigned to DEA.

I personally have been to nearly 200 meth labs in the past couple years. I have made my own observations. A region should not ignore the problem. We should not sit back and wait for a lab to explode and a house to catch fire. I'm convinced that any taskforce designed to fight the meth problem must be able to not only respond to a lab and conduct an investigation but just as importantly it must conduct proactive investigations of those suspected of cooking meth. Due to the addictive nature of this drug we have shown that a released meth cook awaiting trial is very likely to continue to attempt to manufacture. Consequently, I believe it's law enforcement's responsibility to react to that by aggressively targeting known offenders.

Another important observation that this taskforce has made is that we are not dealing locally with large organizations, like drug cartels, with distinct rank and file. Instead we are dealing with smaller groups who all know each other and are difficult to infiltrate. When a cook from the group goes to prison, another in the group may learn to cook. The group will typically use most of the dope that they manufacture, saving only a small portion for sale, so that they can fund their next cook.

As a result of aggressive police tactics, we are seeing a displacement of the problem. It is not unusual to find a Jackson County meth cook in one of the other counties we are serving, such as Clay, Platte, Cass, Wyandotte, or Johnson County. Recently a known Independence Missouri meth cook was convicted of manufacturing in Hickory County, which as you know is near Springfield. Besides the needs for new legislation, continued aggressive prosecution, laboratory enhancements, funding for more equipment, research on the post-contamination issues, and more attention to reducing the availability of the precursors, there is a critical need to improve the opportunities for officers to receive clan lab certification training. There are hundreds of officers eager to join the fight, but despite DEA's commendable efforts these officers' training continues to be delayed. I believe more funding is needed in this area to produce more qualified instructors and more training opportunities.

In closing, I would like to conclude by expressing my appreciation for the attention of this committee to this crisis. I would further like to thank all of my constituents here today for their attendance and support.

Senator ASHCROFT. One of the things you said provoked me to think about a question I want to ask you to think about and answer.

Mr. MAYER. Yes, sir.

Senator ASHCROFT. This idea about people awaiting trial, so severely addicted that they just can't understand.

Mr. MAYER. That is a key.

Senator ASHCROFT. I would like for you to be prepared to comment a little bit more on that.

Mr. MAYER. Absolutely.

Senator ASHCROFT. It's a pleasure now to call upon Joseph Corcoran, who is the special agent in charge of the DEA. I had the privilege of meeting Joe a couple years ago when I had the opportunity to conduct a Senate hearing in St. Louis on violent juvenile crime, and Senator Sessions I believe was with me at that time in St. Louis. He helped provide one of the first presentations to the chairman of the Juvenile Justice Subcommittee on the judiciary, and I appreciated that. I'm pleased to welcome you here today. So, as a special agent in charge of the Drug Enforcement Agency, I would ask you to help us with whatever information you can bring.

STATEMENT OF JOSEPH CORCORAN

Mr. CORCORAN. Sure. I appreciate the opportunity to appear before this committee today to discuss methamphetamine traffic in the Midwest. As a special agent in charge of DEA St. Louis division, I'm responsible for 17 offices in six States with 300 employees.

In my 28 years of narcotic law enforcement experience, I have observed methamphetamine to ravage human beings quicker with longer-lasting effects than any other illicit drug I have encountered.

The Midwest as well as a growing portion of the United States currently faces a two-faceted methamphetamine challenge.

First, organized groups from the West Coast and Mexico who produce and distribute methamphetamine throughout the United States; and, second, local illicit laboratories.

There are thousands of clandestine labs being seized throughout the country, the majority of which are producing smaller quantities of meth. Organized West Coast groups are responsible for the bulk of the methamphetamine being distributed in this country, including the Midwest.

In the Midwest, unique problems inherent to clandestine meth lab operations require a significant amount of law enforcement manhours, training, and equipment. These problems include safety issues as well as environmental concerns.

These laboratories are highly explosive and very hazardous to both law enforcement and the public. They result in grave environmental damage, and perhaps the least significant is the actual amount of drugs they produce.

What troubles me is the resources put forth to investigate these clan labs necessarily diminishes those resources left available to investigate—to investigate the greater supply challenge posed by the organized West Coast groups as well as all other drug-type cases as well.

For the purpose of this hearing, however, I will now address the concerns regarding clan lab situations.

One, need for crime labs to adequately and timely analyze methamphetamine. When the seizure of clan labs began to rapidly increase in the mid-1990's, forensic laboratories across the country were unable to handle the sudden volume of exhibits. As a result, prosecutors at times were hesitant to file timely criminal complaints against defendants for fear that the evidence would not be analyzed in time for court proceedings. This combination of judicial mandates and the necessity for comprehensive lab analyses has re-

sulted in a significant rate of recidivism as laboratory operators relocate and resume their operations pending arrest.

This was the case for State laboratories in the Midwest and for DEA. The DEA North Central Lab in Chicago, IL, is the primary forensic lab for exhibits seized by the St. Louis division.

Clan lab cleanup challenges. For clan labs to which DEA personnel respond, samples are taken for evidentiary purposes, and the remaining chemicals and hazardous wastes are disposed of by hazardous waste contractors funded by DEA. For those other labs where a State or local department responds, DEA contacts and arranges for the same hazardous waste contractor to respond to the site and remove the chemicals. Funding for this is provided by the COPS funding, and it's available to all State agencies upon request. We send that protocol to every agency.

The average cost for the disposal of hazardous chemicals from a lab site by a hazardous waste contractor is approximately \$2,500.

Last, I will discuss training. DEA has assumed a leadership role in the training of State and local law enforcement officers, emergency medical technicians and firefighters in the seizure and dismantling of clandestine laboratories.

In the past 2 years, DEA has conducted 46 clandestine lab schools in which 1,784 officers received OSHA certification to process clan labs along with the necessary \$2,000 of safety equipment. In the St. Louis division, there are now over 145 additional police officers on a waiting list to receive this training. In DEA's new training facility in Quantico, we intend to host 23 clan lab certification schools starting in April, when we open a new facility, through September 2000. Five of these schools will be conducted in a satellite facility in Overland Park, KS, offering training to 200 officers.

The DEA office of training is also working to develop a clandestine laboratory national training plan, called Train the Trainer Program. Through this plan, approximately four officers from each State will be taught how to instruct portions of the OSHA-mandated basic clan lab certification school, who will then be able to return to the respective States and departments and train other officers in the handling of clandestine laboratories. The curriculum for the Train the Trainer Program will meet and exceed requirements established by OSHA and the Code of Federal Regulations.

Law enforcement officers who work clandestine laboratories must be recertified each year according to these OSHA guidelines. There is currently no master registry which identifies the certified office in each State or calls for recertification. DEA is currently working to establish such a system.

Clandestine laboratory awareness seminars are also of vital importance to law enforcement officers and safety officials who are not assigned full time to drug law enforcement but may encounter clan labs in their normal enforcement efforts as well as the general public.

Chemical Time Bombs, a video produced by DEA, has been widely distributed throughout the United States with more than 700 copies having been distributed to local, State, and county police departments. In the State of Missouri alone, we sent a cover letter

and a copy of this tape to every sheriff's office and police department in the State.

Finally, I would like to comment about the legislation and the recidivism issue again. These clan labs many times have no products. There is a—which then leaves a decrease in zone of legislation. You have to think of it like burglary tools. When you have——

Senator ASHCROFT. You are sort of going down the line that Todd Graves went down on the first panel.

Mr. CORCORAN. Right. We have the necessary components there. However, with no product, there has to be some way to get these people into jail. And with professional law enforcement testifying that, yes, in fact, this was the capability for a clan lab, I think that will change that.

Thank you, sir.

[The prepared statement of Mr. Corcoran follows:]

PREPARED STATEMENT OF JOSEPH CORCORAN

I appreciate the opportunity to appear before this committee today to discuss methamphetamine trafficking in the Midwest. As the Special Agent in Charge of the DEA St. Louis Division, I am responsible for 17 offices in six states, with over three hundred employees.

In my 28 years of narcotics law enforcement experience, I have observed methamphetamine to ravage human beings quicker, with longer lasting effects than any other illicit drug I have encountered.

The Midwest, as well as a growing portion of the United States, currently faces a two-faceted methamphetamine challenge:

- I. Organized groups, from the west coast and Mexico, who produce and distribute methamphetamine throughout the United States, and;
- II. Local illicit laboratories.

There are thousands of clandestine laboratories being seized throughout the country, the majority of which are not producing large quantities of methamphetamine (an average of 12 grams per lab). Organized west coast groups are responsible for the bulk of the methamphetamine being distributed in this country, including the Midwest.

In the Midwest, unique problems inherent to local clandestine methamphetamine laboratory enforcement operations, require a significant amount of law enforcement effort, training and equipment. These problems include safety issues as well as environmental concerns.

- a. Laboratories are highly explosive and very hazardous, to both law enforcement and the public;
- b. They result in grave environmental damage;
- c. And perhaps the least significant is the amount of drugs that these local labs produce.

What troubles me is the resources put forth to investigate these illicit local laboratories necessarily diminish the resources available to investigate the greater supply challenge posed by the organized west coast groups.

For the purpose of this hearing; however, I will now address some of the concern regarding the clandestine laboratory situation.

1. THE NEED FOR CRIME LABS TO ADEQUATELY AND TIMELY ANALYZE METHAMPHETAMINE

When the seizures of clandestine laboratories began to rapidly increase in the mid-nineties, forensic laboratories across the country were unable to handle the sudden volume of exhibits. As a result, prosecutors were hesitant at times to file criminal complaints against defendants, for fear that the evidence would not be analyzed in time for court proceedings. This combination of judicial mandates and the necessity for comprehensive laboratory analyses has resulted in a significant rate of recidivism as laboratory operators relocate and resume their operations pending their arrest.

This was the case for the state laboratories in the Midwest and for DEA. The DEA, North Central Laboratory in Chicago, Illinois is the primary forensic lab for exhibits seized by St. Louis Division.

The DEA North Central Laboratory is analyzing exhibits seized from clandestine labs in 30–60 days. Cases that require quicker analyses, primarily for judicial proceedings, are expedited upon request. A satellite DEA laboratory has also been established in Kansas City, Missouri and two rotating DEA chemists are at the site on a full-time basis. In the Kansas City facility, exhibits can be processed in three weeks to a month. These chemists are Occupational Safety and Health Administration (OSHA) certified and available to respond to clandestine lab sites.

2. CLANDESTINE LAB CLEAN-UP CHALLENGES

For clandestine laboratories, to which DEA personnel respond, samples are taken for evidentiary purposes and the remaining chemicals/hazardous waste are disposed of by hazardous waste contractors, funded by DEA. For those other labs where a state or local department responds, DEA contacts and arranges for the same hazardous waste company to respond to the site and remove the hazardous chemicals, through funding provided by the Community Oriented Policing Services (COPS) program, for this purpose.

The DEA hazardous waste contractor is allowed 15 minutes to return a call to DEA regarding the need for services. The contractor then has one hour to prepare its equipment and personnel and one hour for every 50 miles that the contractor needs to travel to get to the clandestine lab site.

(Note: The average cost for the disposal of hazardous chemicals from a laboratory site by a hazardous waste contractor is approximately \$2,500. The annual cost for clandestine laboratory hazardous waste removal nationwide is presented as an attachment).

3. THE DEMAND FOR LAB TECHNICIANS IN THE FIELD

As stated before, DEA has two chemists from the DEA, Chicago laboratory co-located at the Kansas City Regional Crime Laboratory. They are available to respond with law enforcement to the actual lab sites. This is a special DEA initiative in response to the burgeoning illicit laboratory problem in this area of the country.

4. OTHER ISSUES—CLANDESTINE LAB TRAINING

DEA has assumed a leadership role in the training of state and local law enforcement officers, emergency medical technicians and firefighters, in the seizure and dismantling of clandestine laboratories.

In the past two years, DEA has conducted 46 clandestine lab schools in which 1,784 officers received OSHA certification to process clandestine labs, along with \$2,000 of necessary equipment. In the St. Louis Division there are now over 145 additional police officers waiting to receive the training. DEA, Quantico, Virginia intends to host twenty-three clandestine lab certification schools from April 1999 through September 2000. Five of these schools will be conducted in Overland Park, Kansas, offering training to 200 officers.

The DEA Office of Training is also working to develop a Clandestine Laboratory National Training Plan, called the Train the Trainer Program. Through this plan, approximately officers from each state will be taught how to instruct portions of the OSHA mandated Basic Clandestine Lab Certificate School. After successful completion of the six-week intensive course, to be held at Quantico, Virginia, the candidates will be certified trainers and hazardous waste technicians. They will then be able to return to their respective states/departments and train other officers in the handling of clandestine labs. The curriculum for the Train the Trainer Program will meet and exceed the requirements established by OSHA and the Code of Federal Regulations.

Law enforcement officers, who work clandestine labs, must be recertified each year according to OSHA guidelines. There is currently no master registry that identifies the certified officers in each state or a call-up system for recertification. DEA is currently working to establish such a system.

Clandestine lab awareness seminars are also of vital importance to law enforcement officers who are not assigned full-time to drug law enforcement but may encounter clandestine labs, as well as the general public. "Chemical Time Bombs," a video produced by DEA, has been widely distributed throughout the United States, with more than 700 copies of the videos having been distributed to state, county, and local police departments throughout the Midwest.

DRUG ENFORCEMENT ADMINISTRATION

PROTOCOL FOR UTILIZATION OF COPS FUNDING BY STATE/LOCAL AGENCIES FOR THE CLEANUP OF CLANDESTINE LABORATORIES

1. The special Agent in Charge (SAC) in each field division will identify Points of Contact (POCs) within the field division. Alternates may also be listed. Call by State/Local agencies requesting laboratory cleanup shall be directed to the POC on duty.
2. The POC will determine if DEA will be actively involved in the investigation. If so, the POC will proceed in the normal investigative manner.
3. IF DEA is not to be actively involved, or if DOJ requirements are not met for the use of the Asset Forfeiture Fund (AFF), then the Community Oriented Policing Services (COPS) Program funding may be used.
4. The POC will obtain the next available State/Local Cleanup ID number (an "S" Number) from a logbook maintained by the POC. The number will resemble a DEA case number with the first character following the fiscal year being an "S" (e.g., IE-99-S001).
5. The POC will complete Part 2 of the National Clandestine Laboratory Cleanup Program (NCLCP) form and fax it, along with a blank National Clandestine Lab Seizure form (EPIC seizure form) to the requesting State/Local agency. The POC will advise the State/Local Agency of the Occupational Safety and Health Administration (OSHA) requirements regarding certification of officers present at the clandestine laboratory site which are enumerated in the introduction to the NCLCP form.
6. The State/Local agency will complete Part I of the NCLCP form and fax it to the POC.
7. The POC will dispatch the DEA hazardous waste cleanup contractor providing them with the "S" Number.
8. The POC will contact the State/Local agency to confirm dispatch of the contractor and the anticipated time of arrival of the contractor at the clandestine laboratory site.
9. The POC will direct the State/Local agency to complete Part 3 of the form, and the EPIC National Clandestine Laboratory Seizure form, and to submit the forms within 24 hours to the POC and to EPIC.
10. The POC will be responsible for contacting the DEA/HOZ Hazardous Waste Disposal Unit (SFSH) within 48 hours of approving the COPS cleanup and providing "S" number for the cleanup to SFSH. SFSH will provide the POC with a COPS appropriation number.
11. The POC will provide the contractor with the appropriation number by the next business day.

5. OTHER ISSUES

1. How many requests are you getting for lab analysis?

The DEA Chicago laboratory processed 209 exhibits from clandestine lab seizures in the six states in fiscal year 1998 from the DEA St. Louis Division.

2. What is the average turn around time on analysis? Where are materials sent for analysis?

In cases where DEA personnel are involved, a collective decision is made among the involved law enforcement agencies as to whether the violator will be charged on federal or state charges and the evidence is then submitted to the appropriate forensic laboratory. For exhibits sent to DEA at the Kansas City Regional Crime Lab, they are analyzed in three weeks to a month, depending on the number of exhibits seized from each site. Exhibits sent to the DEA, Chicago laboratory are currently being processed in one to two months. All requests to expedite the analysis are handled accordingly.

I will defer to Gary Howell, for information related to processing on the local level.

3. How much time do lab personnel spend in the field on site? Does this cut into time for lab analysis?

DEA chemists spend approximately three hours per lab at the site, in addition to preparation and travel time. Yes, responding to the site does decrease the amount of the time available for analyses; however, chemists at the DEA Chicago lab assist whenever the DEA chemists in Kansas City need them to do so.

4. *What is the chain of command on site clean-up?*

When DEA is involved and the case is going to be prosecuted through the federal system, DEA sends the evidence primarily to the Kansas City Regional Crime Lab for analysis after which the exhibits are sent to the DEA Chicago laboratory for safekeeping, pending trial. If the case is to be prosecuted in the state system, the exhibits are processed through a local or state crime lab. In cases where the violator is a repeat offender, attempts are made to use the same chemist and same forensic laboratory for all the seizures.

5. *How does DEA become involved?*

Law enforcement agencies have been encouraged to contact their local DEA office for any assistance they need in the processing and cleanup of clandestine labs. Clandestine lab protocols for each DEA office in the St. Louis Division have been widely distributed showing which DEA office to call for assistance.

6. *What is the average cost, and who pays for clean-up?*

When DEA personnel respond to the lab site, DEA pays for the cleanup. When the state or local department processes the lab, COPS funding is used.

CASE SYNOPSES

In a recent case in Des Moines, Iowa, a mother gave her eleven-year-old daughter to drug dealers to pay an outstanding methamphetamine debt. The drug dealers took the girl with them to California, where they picked up a quantity of methamphetamine and returned to Iowa. The girl was used as a decoy during the trip, to avoid detection by law enforcement, and and for the drug dealers to portray themselves as a typical family on vacation.

According to the eleven-year-old girl, she was given a new pair of platform shoes in California. She noticed new glue on the shoes and they were extremely heavy and hurt her feet. The shoes were later found to have been used to conceal drugs. The girl's mother and three other individuals have been arrested for conspiracy to distribute methamphetamine and using a minor to assist in drug trafficking. The girl and her five-year-old sister have been placed in foster care.

In another case, methamphetamine abuse reared its ugly head and took hold of some of the more outwardly successful students—athletes and student leaders—in a typical, middle class high school in Iowa. The investigation began with a routine traffic stop and the seizure of a quantity of methamphetamine.

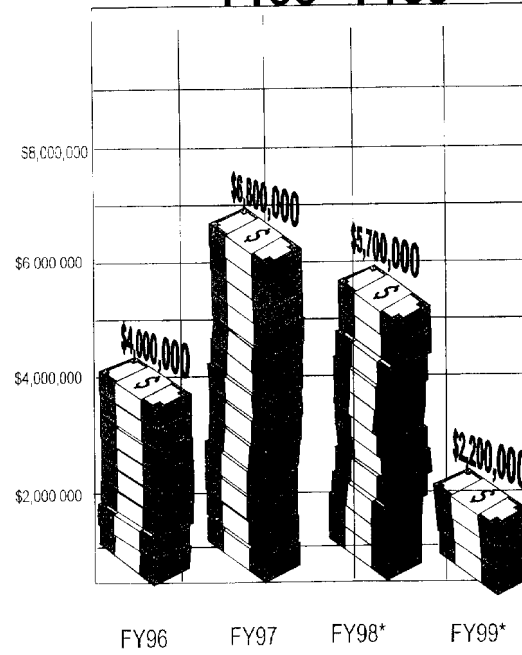
Further investigation, identified the local methamphetamine source of supply as a man in his mid-thirties, who was an alumnae of the local high school, as well as a former valedictorian and star athlete. The man had a West Coast connection for methamphetamine.

This person is a predator because he was feeding the high schoolers addiction by giving them free samples of methamphetamine, while also being a sexual predator, sodomizing young high school male students while under the influence of the drug. When shown pictures, which were later seized from the man, the young men did not recall the sexual encounters.

Those high schoolers and the community suffered a devastating loss—the loss of their spirit, as a result of methamphetamine and the selfish motivation of one drug dealer. But remember—this situation did not occur someplace else—it happened in a place where your children and mine go to school.



Drug Enforcement Administration Hazardous Waste Cleanup Costs FY96 - FY99*



*FY98 - 1.7 million COPS

*FY99 - 1.5 million COPS

COI 182-23

Senator ASHCROFT. Thank you. I want you to think about an item, too. You touched on something that has been raised earlier—you said the \$2,500 cost for a cleanup—

Mr. CORCORAN. That's correct.

Senator ASHCROFT. And I think the Governor mentioned a \$53 cost for it. I would like for you to evaluate the difference and if we are talking about comparing apples and apples in that setting.

I wanted to take this opportunity to recognize Bonnie Sue Cooper in the audience today. It's a pleasure to see Representative Cooper here. She was the president of the American Legislative Exchange Council, which is an organization of all the State legislators, at a time when I was asked to make an appearance before their group in New Orleans. It's a pleasure to see you again, Bonnie Sue.

Ms. COOPER. Good to see you.

Senator ASHCROFT. Thank you for being here.

Gary Howell serves as the director of the Kansas City Police Department's metropolitan crime lab, and last fall I had the opportunity to visit the facility while I think it was in its infancy.

Mr. HOWELL. Exactly.

Senator ASHCROFT. It's a marvelous facility. HIDTA is helping to provide additional chemists and materials at the lab right now, and what a resource this lab is to the criminal law enforcement community. This morning Matt Lightfoot, a chemist, provided a demonstration of the manufacture of methamphetamines, and in drafting language to place a couple of new precursor meth chemicals as controlled substances in at least considering putting them in legislation, we have needed to confer with you and your colleagues. I want to thank you for coming and call upon you to make remarks at this time.

STATEMENT OF GARY HOWELL

Mr. HOWELL. Thank you, Senator.

The number of clandestine methamphetamine laboratories has exploded in the Midwest during the last several years. Traditionally the DEA has handled these investigations along with physical evidence of these types of offenses. However, due to the volume of the meth labs, the local authorities are being thrust to the forefront. In recognition of this issue resources are being diverted to deal with the new area of local law enforcement. Examination time spent on other crimes must now be directed towards meth labs.

Challenges to the forensic laboratories are present at all stages of the meth lab investigation and prosecution. There are more technical challenges in a meth lab examination than in a traditional drug examination. Even a relatively simple meth lab will result in ten to 20 times the man-hours that a traditional drug case requires. Once the analysis is complete the chemist may also assist. A combination of these factors has created a draining of personnel and other resources.

Meth labs have the capability of being able to severely injure or kill investigators at a crime scene. This highlights one of the worst problems confronting local law enforcement in dealing with these labs. Each meth lab presents a potentially deadly combination of extremely hazardous chemicals. Police officers traditionally have little, if any, experience or technical knowledge in the assessment

and handling of hazardous chemicals. This is the same as for the untrained meth lab cooks that are making this stuff. This lack of technical expertise poses a direct threat to officer safety, although HIDTA chemists' efforts have been highly effective in improving site and safety factors, many improvements need to be made.

The infrastructure provided by local forensic laboratories has long been neglected. The clandestine methamphetamine laboratory problem has demonstrated these systems have neared their breaking point. The challenge presented by this problem rivals the crack cocaine epidemic in the 1980's. While tremendous efforts are being shifted to the meth lab problem, there has been no reduction in work load created by other criminal activity. This burden continues to slow the criminal justice system at the local level. Investigative units become overwhelmed with calls for assistance. Crime labs are beginning to get backlogged with evidence. The court system will further bog down as a result.

Local forensic labs, particularly in large metropolitan areas, compete directly with other policing efforts for funding. The crime laboratories in major metropolitan areas of the country are critically underfunded with respect to facilities, personnel, equipment, and training. Accreditation, certification, and standardization, while necessary to assure quality results, are bringing more of a drain on resources. All this means that, with current levels of funding, fewer crimes can be investigated in the crime labs.

However, there is more reliance on quality than ever before. The metropolitan crime labs have the burden of a great majority of serious crimes in the country. From the 1997 UCR report for the State of Missouri, the metropolitan crime labs handled 84.1 percent of all violent crimes in the State. They were responsible for 80.7 percent of the homicides, 79.7 percent of the rapes, and 94.4 percent of the robberies. When we are drawing time out to work these very tedious clan meth labs, we are drawing off of working homicides, rapes, and robberies, is what I'm saying.

The Byrne grants, administered by the DOJ, have been instrumental in equipping some of the crime labs in the country. Not all States fund crime lab projects with this grant. These labs have been limited to a 4-year project duration for the rules have been changed. The HIDTA philosophy of integrating Federal, State, and local law enforcement agencies have been very successful. HIDTA provides for emergency needs and policy changes that are effective in fighting local crime.

Metropolitan crime labs are in desperate need of upgrading their facilities, equipment, and personnel to combat the increasing meth lab problem. However, they must compete for municipal funds with other police needs. As municipal budgets are tight, there is little hope that laboratories can be upgraded with local monies alone. Full funding of the Senate bill 2022, last year's Senate bill 2022, will be a step forward in helping metropolitan and all the Nations' crime labs.

Appreciate the interest.

Senator ASHCROFT. Well, thank you very much. Just as a note, the Byrne grants, which were deleted from the President's budget, were restored in the Senate budget, which we passed last week, and I think there is very serious awareness on the part of the

House and Senate that these are valuable funds, the maintenance of the right level of public safety, and I think there is a good likelihood that they will be restored in the budget as finally—but I think you are the third or fourth person today that just tucked in a little reference to the Byrne grants, and you don't want to get burned, not having the grants, and I don't want that to happen, either. I have taken a pretty aggressive stance in respect to that.

I have been hearing from several of you now, and you might want to think about the idea that the nature of the meth with the clandestine lab, sort of a home-cooking component of it, creates such a big demand that it rivals or consumes resources that we might need in other settings, and this figure, 10 to 20 times, as much analysis required for a meth case as it is for—

Mr. HOWELL. A drug case.

Senator ASHCROFT. Drug cases, it's interesting. I wish I knew what to do about it. But I'm interested in this tension between the two things. It may just be the fact that this is stuff that people can make in their kitchen.

Teresa, I'm very pleased that you would come. Teresa Loar is a councilwoman from Kansas City, MO's, First District. Is today an election day?

Ms. LOAR. Yes, sir, it is.

Senator ASHCROFT. Well, if you have time to come here on election day, you are to be commended in every respect. That is putting government over politics in the highest tradition. So I thank you very much.

She has been a leading voice, an advocate for cooperative approaches to cleaning up meth sites in the Kansas City metro area, and I thank you very much for coming, Ms. Loar, and welcome your testimony.

STATEMENT OF TERESA LOAR

Ms. LOAR. Well, thank you, Senator, and this is that important to me. However, I am unopposed, besides that.

About 1½ years ago, I started receiving a number of calls from my constituents, and the majority of my district is in a suburban area, so meth is—rules in my district, but I received a number of calls concerning a house that had been abandoned and had been invaded by the police and the drug force to come in and empty it out, and we had a house left standing. There had been, I believe, three previous lab—drug seizures in the house. Now it was empty. There was yellow tape around it from the police department. And it was kind of in a semirural setting, but it did have neighbors around it that were concerned about what to do with the house. It had been sitting for months. So I started making the phone calls to the police department, and my—just running my trap, to see what we should do with this house. And no one had an answer.

The police department, in fact Barry Mayer and a number of officers involved with this, said “We really don't have any protocol or procedure as to what to do with a house once we have seized the drugs.” And Mr. Corcoran talked about the feds will provide for the disposal of the chemicals, but then the feds leave. So I'm left with what to do with the house or the motel room or the apartment

building or whatever that is left in my district, that we don't know what the contamination level is.

So we put together a taskforce to try to figure out just what to do, how to set up the protocol, and who calls who, and what to do once those agencies have been called. And we got overwhelming response from the area. Everybody from the Federal level at EPA and the Department of Natural Resources from the State level, we had health departments, we had environmental organizations, we had law enforcement agencies of every kind, sit down to try and figure out what to do. And the one hurdle we could not overcome was, we have no standards with which we could measure contamination levels to where we could hold up a case in court, if we tried to enforce some sort of cleanup measures by the owner of the apartment or the owner of the house or the owner of the motel.

So that's where we got stopped, right at that point, and haven't been able to overcome that point as to what the standard levels are of the various chemicals that are in the house, that are in the ground, that are in the water, that are in the walls or the curtains or the furniture. And then, again, that depends on the level of meth that was being cooked in the house. The people that had called me about my first abandoned house up there on this said, "Well, they were dumping chemicals, they were dumping the stuff in the culvert outside," so we didn't know the kids were playing—it was right next to ball fields where a lot of little leagues played. So my concern was, is the water washing these chemicals down? Do the kids get in it? What happens? We didn't know. So I relied on our health department and our environmental department for the city to try to give me some answers, and they didn't know.

So we are just looking for help here, and I think the first thing we are going to have to do is find those standards, and I think we checked with a number of other States, looking around for the same answers. We can't go to court, we can't prosecute a case and win, if we don't have some standards to go by. So that's kind of where we are at.

My taskforce is still together. I have a list of folks that are ready and waiting for their call as soon as we have got something to go forward with. I'm on point to do a city ordinance, to require a motel owner or an apartment building owner or a house owner, if they are busted for meth, they are responsible for the cleanup. Otherwise, the local municipalities can't afford this. The cleanups are terribly expensive. The Federal Government can't afford it, nor should we be paying for it. I think the people who are responsible for these activities are going to have to pay for whatever contamination they might, you know, distribute on the rest of the world here.

I think if we had the hotel and motel and apartment owners maybe being more conscious of what's going on, and know it's going to financially hit their pocketbook, they may be a little more restrictive about who they rent to or lease to. So that might be—we thought that might get some attention on their part. Homeowners—you know, we have to hit the real estate market and the bankers loaning the money and the mortgage companies, that say, "You are going to have a contaminated area, it's going to be hard for resale, you better know what is going on." Because, eventually,

it's going to hit a financial level to where people are going to pay attention to this. It's dreadful what it does to people using it, cooking it, the children who are involved. But we are not going to get the attention until it starts hitting somebody financially, in my opinion. That's the way things work in this world.

So I appreciate you allowing me to come talk today, and that's sort of our dilemma. We are looking to you to help us set some standards so we can enforce what we need to do here.

Senator ASHCROFT. Thank you very much. That's a side of the issue that we haven't had other testimony on. I appreciate it very much. Thank you.

The director of the Kansas City, MO, Office of Environmental Management. You may want to lean over and see if they can confer about standards. Mr. John Stufflebean. He helps with cleanup and disposal of meth chemicals from contaminated site or sites, as I guess—so we would be very pleased to have your contribution this morning.

STATEMENT OF JOHN STUFFLEBEAN

Mr. STUFFLEBEAN. Thank you, sir. I appreciate this opportunity to address you this morning.

The responsibilities of the Environmental Management Department include addressing abandoned chemicals and contaminated sites in our community. The city removes household chemicals from approximately 200 abandoned buildings each year, and the city removed abandoned chemicals from roadsides, vacant lots, public lands, about 25 times each year. The city remediates approximately 25 sites each year where chemicals have been spilled and illegally dumped.

In addressing these sites, Environmental Management follows procedures based on State and Federal regulations and guidelines. The State and Federal agencies have identified lists of hazardous chemicals and the concentrations at which they pose a hazard and have established protocols for sampling hazardous materials and for the laboratories that analyze those samples.

In addressing buildings previously used for illegal manufacture of drugs, there are no regulations or guidelines that exist. Certain chemicals common to meth manufacturing are known to pose hazards but do not appear on existing lists of hazardous chemicals. There are no published reports identifying the quantity or concentration at which many of these chemicals pose a hazard, and there are not established protocols for sampling and analyzing many of these chemicals. Federal and State agencies haven't provided guidance for parties interested in addressing these sites.

Presently there is very little being done to assess or address contamination left behind at former meth labs. The director of the Kansas City Health Department has the authority to address public health risks but cannot exercise that authority without standards. The Kansas City Health Department has never issued an order based on residual contamination from a former illegal drug lab. Presently it's up to the owner of the building whether to clean up and how clean it has to be after it has been used for illegal drug manufacture.

Now, there are several reasons to justify action by the Federal Government in this area. Many of the chemicals used in illegal drug labs are known to be toxic and to pose chemical hazards. Industrial activity such as those performed in drug manufacturing are known to leave residual contamination at commercial and industrial sites. Residual contamination would be anticipated at illegal drug labs. To protect residents, exposure limits in residential properties should probably be more stringent than those established for commercial and industrial sites. And, finally, the Government could face potential liability for taking an active role in a drug lab but leaving hazards unaddressed.

On the other hand, we have been able to find little evidence that residents of former drug lab properties are—have been adversely affected. We know of no reported cases of acute symptoms among people who have been exposed to residual contamination in former drug labs. Sampling and analyzing to detect contamination we know would be very expensive. Decontamination of the property would be very expensive. And if ordered to sample, analyze, and decontaminate, many owners would simply abandon the property, in which case the burden would fall, of course, on the Government.

The final point on this is that virtually everyone buys and stores in their homes a wide range of consumer products containing hazardous chemicals. These products result in—result in thousands of actual poisonings each year. Drug lab chemicals could be viewed and addressed as part of a larger problem of hazardous household products.

In light of these considerations, I would like to offer two recommendations. One is that the Federal Government should conduct research to determine whether people are being harmed by residual contamination at illegal drug lab sites, at what concentrations these harms occur, and how to best mitigate these harms. If data then shows that significant actions are needed, the Federal Government should establish appropriate guidelines which the concerned parties could follow.

Second, acute problems are not being encountered in part because law enforcement personnel are removing all containerized chemicals from the scene. These chemicals are usually accepted by the DEA for disposal at Federal expense. This service provided by the DEA is essential to the municipalities. If police seize drug precursor chemicals but no complete lab is found the DEA will not accept it. We feel the DEA should consider expanding its service to accept drug precursor chemicals seized from activity.

Thank you very much for this opportunity to provide a perspective on these issues.

Senator ASHCROFT. That technical stuff takes longer. So your point is precursor chemicals, you would like for the DEA to take those, even if you have caught the guy before they had actually done the lab—

Mr. STUFFLEBEAN. Yes, sir.

Senator ASHCROFT. About a year ago I had the opportunity of meeting and visiting with and learning about a problem in Johnson County with drugs, and I had a chance to meet with the sheriff of Johnson County, Charles Heiss. In many respects its problem has been exacerbated by the height of success. The increased pressure

that comes from good law enforcement or stronger law enforcement, more intense law enforcement in some areas tends to displace—I think you used—Mr. Corcoran, you used the word, “displacement.” Someone did. And I wanted the sheriff, who had been so kind as to help me try and develop a better understanding of this, to state some of those things for the record that you talked to me about, and there may be other things that you want to include. But I’m very pleased, Sheriff, to have you be a part of the panel today, and if you would proceed with your testimony I would appreciate it.

STATEMENT OF CHARLES HEISS

Mr. HEISS. Thank you, Senator. It’s an honor to be here and speak with the panel.

As you know, in Johnson County—we have a huge methamphetamine problem in Johnson County. I am a counterpart of Gary Starke, who borders me just to the east. I took office January 1, 1997.

In the 3 years prior to that, the previous administration seized six methamphetamine labs in 3 years. In the first 24 months of my administration, we have seized nearly 100 methamphetamine labs in Johnson County.

To complicate this even more, as I sat here and I listened to the folks here in the Kansas City metropolitan area, certainly HIDTA has been very successful in Kansas City and Independence and in some of the surrounding areas, and we have benefited from their success with the influx of methamphetamine producers moving to Johnson County.

To complicate things in our area would be the introduction of anhydrous ammonia, which has not been talked about at all today. The vast, vast majority of the labs that we are seizing in Johnson County now are anhydrous labs. We are no longer strictly raiding homes or outbuildings where illegal labs are set up. We are now finding labs and producers traveling the roads, the back roads of Johnson County, producing their methamphetamine in the back seat of their cars or in the bed of their pickup trucks, which poses an extreme danger to a regular patrol deputy whose main function is not narcotics detection or eradication of methamphetamine labs.

For instance, I know a neighboring county or a fellow sheriff had a deputy who was overcome by anhydrous ammonia on a traffic stop as he opened up an Igloo cooler of a known meth producer that was filled with anhydrous ammonia. He was overcome and was incapacitated on the side of the road. A very dangerous situation for the deputy to find himself in.

So, with the advent of anhydrous ammonia in Johnson County, we face a new problem, and of course that is a respiratory irritant.

We have talked a lot today about multijurisdictional taskforces, of which I belong, and of which I sit on the board of the West Central Drug Taskforce. We have talked about HIDTA. We have talked about the highway patrol. We have talked about local enforcement.

The problem that I see, Senator, is that we need to level the playing field. I believe that the playing field at the current time is not level. In fact, the local sheriff or the local police chief, who is often cast with locating these labs, eradicating these labs, arresting

the suspects, and pushing the case to the court system, is not able to benefit from any funding, direct funding, through the grants. It's my officers that are going through the door of these labs, my officers that are rolling up in these cars, we don't have the proper protective equipment that we need, SCBA, self-contained breathing apparatuses, Tyvek suits, protective gloves, and things like that.

So in my estimation, if we could level the playing field and make some of those funds available at a direct local level to the local sheriff, to the local police chief, who is responsible and held accountable to the people of this jurisdiction—those people elected me to take care of their methamphetamine problem, and it's my phone that rings when they see that there is a problem. So I think we need to level that playing field.

The funding needs to be made available. We are often held—it seems the funding stops at the State level. A lot of funding goes into the Missouri State Highway Patrol, which is a fine organization, but an organization in my estimation that has passed a zero tolerance policy for their local troopers being able to enter into a meth lab.

When I first took office we were able to take our local troopers—and we have got the finest group of troopers in Johnson County as anywhere in the State, some of the most motivated law enforcement officers in the State. We were able to take those fellows with us. We can no longer do that. They are not allowed. If we call them and say, "We have got an operation that we need assistance with," the first question out of the zone commander's mouth is, "Is it a meth lab?" If it's a meth lab or methamphetamine related, they can't participate. They can't take an arrested subject out of a methamphetamine lab and place them in a State highway patrol car. They are not allowed to have any contact with that environment at all, is the understanding that I have in talking with my local troopers and my local zone commander. So they are rendered useless to us in a methamphetamine environment.

The Governor alluded to the cost of cleanup. He shot a figure of \$53. I would kind of take issue with that and challenge somebody to be able to clean up a lab for \$53. I know it cannot be done. When you talk about cleaning up a lab, you are talking about thousands of dollars, depending on the size of the labs that we have had, and some in Johnson County, we have had labs with as much as 7 pounds of finished product, we have had labs with no finished product but a mass amount of chemicals.

Senator ASHCROFT. You had 7 pounds of methamphetamine?

Mr. HEISS. Seven pounds of methamphetamine.

Senator ASHCROFT. Pardon me. That is a lot of methamphetamine.

Mr. HEISS. Yes, that is a lot of methamphetamine. Another lab we did, we had nearly 4 pounds of Ephedrine, which is the base ingredient for methamphetamine. So we have a huge problem. Our taskforce covers a nine-county area, and it's under the direction of the highway patrol. I assigned an officer to that taskforce full time. That is all he does, is be assigned to the taskforce. However, he's spread out over a nine-county area.

Then it costs me an additional \$8,000 a year to participate in the taskforce. The sacrifice of the officer and the sacrifice of the addi-

tional funds puts a strain on not only our personnel resources but also our limited budget. I have a very limited budget. We are a rural county. It takes a lot to go up the hill and talk with three county commissioners and ask for an additional \$8,000 of county revenue. So the multijurisdictional drug taskforces, although they have been highly successful, a well-organized effort, I'm not sure that we are spending our money and getting the best bang for the buck that we are spending.

Again, HIDTA has been very successful in the metropolitan area, but you get more than 30 miles outside the metropolitan area, the problem of methamphetamine is not as—considered as serious as it would be in the Kansas City, St. Louis, Springfield metropolitan areas.

So those are some of my concerns, Senator, that I have, and the reason that I came to speak with you today, to bring some of those things to light; and I appreciate the opportunity to visit with you.

[The presentation of the Missouri State Highway Patrol follows:]

MISSOURI STATE HIGHWAY PATROL METHAMPHETAMINE PRESENTATION

In 1998, in an effort to enhance the Patrol's enforcement of drug manufacturing and distribution statutes, the Division of Drug and Crime Control (DDCC) created one (1) new narcotics team in Troop B and was instrumental in the creation of two (2) additional Patrol-coordinated multi-jurisdictional drug task forces: the South Central Drug Task Force in Troop G and the North Missouri Drug and Safe Street Task Force in Troop B.

The Missouri State Highway Patrol Narcotic/Vice Unit is currently composed of seven (7) teams consisting of thirty-three (33) Patrol narcotic officers and five (5) clerical employees assigned to GHQ. The Patrol currently coordinates six (6) multi-jurisdictional task forces: the Southeast Missouri Drug Task Force in the Bootheel area, the Lake Area Narcotics Enforcement Group at the Lake of the Ozarks, the West Central Drug Task Force operating South of Kansas City, the Mineral Area Drug Task Force in East Central Missouri, and the two previously mentioned new drug task forces. Twenty-eight (28) local enforcement officers are assigned to the Patrol-coordinated task forces and are supervised by division members. The Patrol also supervises the Combined Ozarks's Multi-Jurisdictional Enforcement Team, which services a six (6) county area in southwest Missouri.

Division of Drug and Crime Control narcotics investigators are also assigned to four federally-coordinated drug task forces: the combined Hotel Interdiction Enforcement Force (CHIEF), operating in the St. Louis area; a Clan Lab Task Force located in Kansas City; a Drug Enforcement Administration Drug Task Force in Springfield; and the Mid-Missouri Unified Strike Team and Narcotics Group (MUSTANG), operating in Central Missouri.

NARCOTICS SECTION COMPARISON TOTALS FOR 1994 THROUGH 1998					
	1994	1995	1996	1997	1998
Drug Cases (Total)	825	1,349	1,661	2,150	2,939
Drug Buys	585	772	572	713	865
Buy Busts	8	17	22	12	14
Controlled Deliveries	3	11	14	17	23
Consent Searches	31	41	81	121	218
Distributions	23	23	21	28	48
Reverse Stings	4	4	7	10	2
Search Warrants	43	86	157	178	242
Interdiction Stops (Road)	162	179	169	147	114
Interdiction Follow-ups	125	126	141	113	81

In 1998, the Narcotic/Vice Unit recorded two thousand nine-hundred and thirty-nine (2,939) incidents. These incidents included eight hundred and sixty-five (865) narcotics purchases, eight (8) conspiracy investigations, fourteen (14) buy busts, twenty-three (23) controlled deliveries, two hundred and eighteen (218) consent searches, forty-eight (48) drug distributions, two (2) reverse stings, two hundred and forty-two (242) search warrant services, and eight hundred and sixty (860) other reportable incidents and investigations.

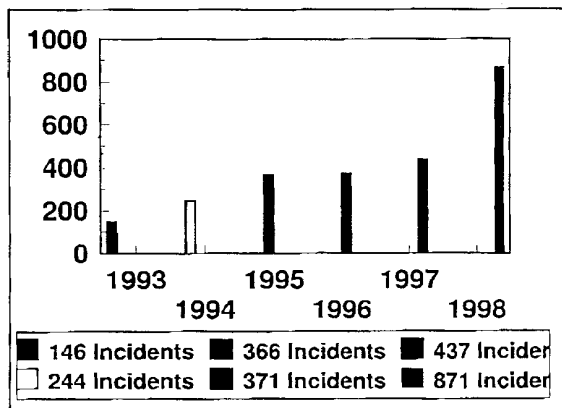
The unit conducted five hundred and fifty-two (552) methamphetamine investigations resulting in the seizure of four hundred and eighty-three (483) clandestine laboratories. During 1998, the patrol received five hundred and twenty-six (526) meth "hotline" calls.

In 1998, the Patrol conducted one hundred and fourteen (114) drug interdiction traffic stops, which resulted in eighty-one (81) follow up investigations by the Narcotics/Vice Unit.

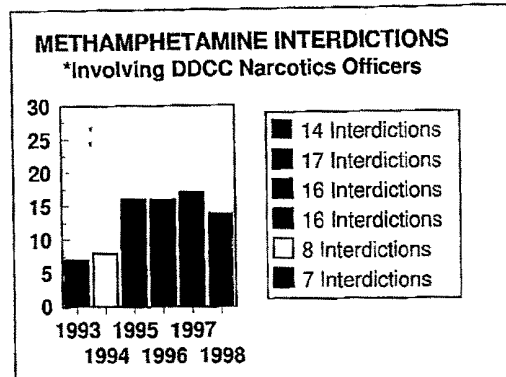
During the year, the Narcotics/Vice Unit purchased or seized 39 pounds of cocaine, one pound of crack cocaine, .953 pounds of ephedrine, .028 pounds of Fentanyl, 2.43 pounds of hashish, 23.5 grams of amphetamines, .113 pounds of heroin, .009 pounds of imitation controlled subjects, 180 pounds of iodine crystals, 10,944 pounds of marijuana, 15 pounds of marijuana "buds," .016 pounds of marijuana seeds, .190 pounds of pseudoephedrine, .310 pounds of psilocybin and 6.221 pounds of methamphetamine.

During 1998, ten weapons were furnished at Narcotics/Vice Unit investigators during drug transactions. Investigators observed weapons during 47 drug transactions. The unit seized 388 weapons during the year.

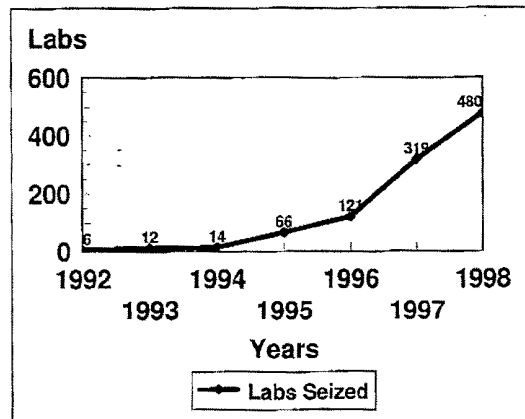
MISSOURI STATE HIGHWAY PATROL METHAMPHETAMINE INCIDENTS



METHAMPHETAMINE INTERDICTIONS
Involving DDCC Officers

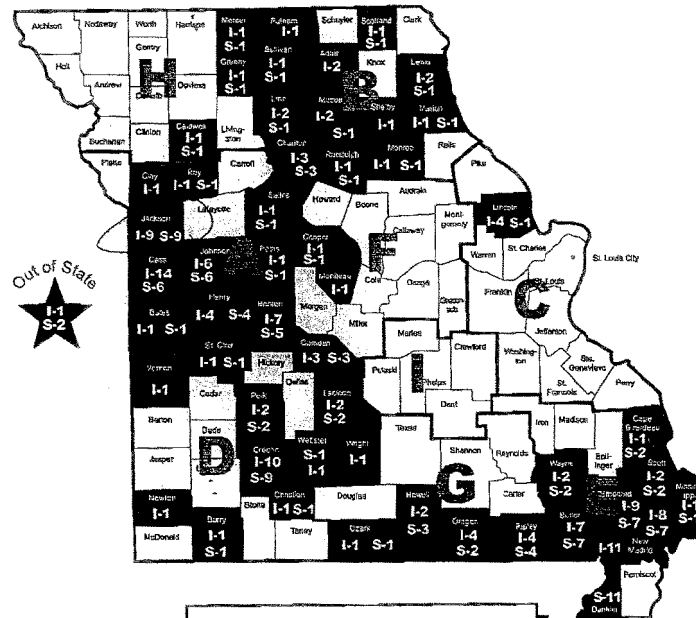


MISSOURI STATE HIGHWAY PATROL
Methamphetamine Labs Seized



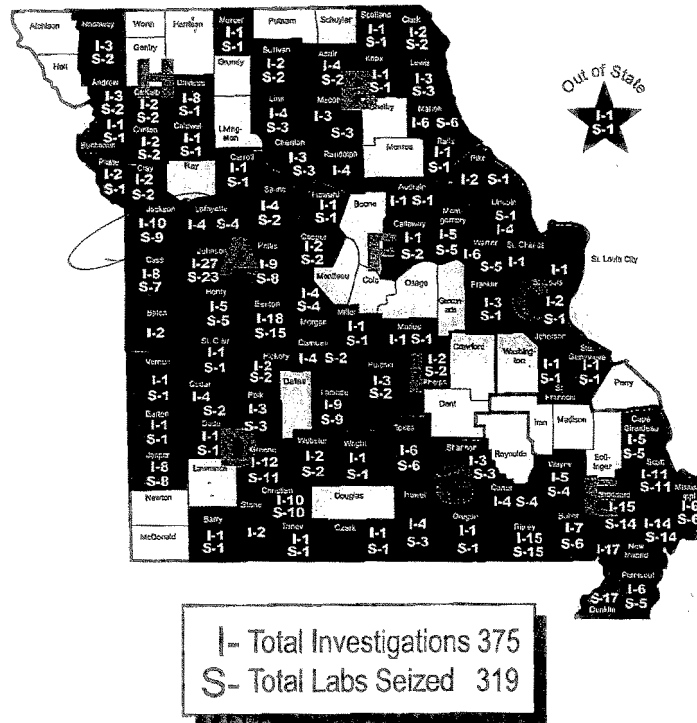
Missouri State Highway Patrol Division of Drug and Crime Control

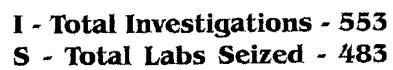
Clandestine Laboratory Investigations
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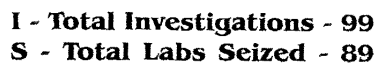
Missouri State Highway Patrol
Division of Drug and Crime Control

Clandestine Laboratory Investigations
Jan. 1 - Dec. 31, 1997





I - Total Investigations - 553
S - Total Labs Seized - 483



I - Total Investigations - 99
S - Total Labs Seized - 89

An explosion of methamphetamine laboratories is occurring in Kansas and Iowa, and as of late Nebraska. This is in part due to stronger methamphetamine legislation by Missouri, as well as the increased exportation of technology from Missouri methamphetamine producers. Missouri, however, remains the leader in locally produced methamphetamine. The common production technique employed by these producers is the ephedrine reduction process. While the local producers generally do not maintain an organized hierarchy, it has been found through various investigations that these local producers have friendships or other criminal ties to individuals within their immediate area or adjoining states.

Missouri

- Methamphetamine drug of choice.
- Clandestine Laboratory seizures continue to increase. Missouri seized 436 clandestine methamphetamine laboratories from June 1997 to May 1998. *no*
- Missouri recorded 679 methamphetamine related arrests by DEA, with 502 of the arrests classified as clandestine methamphetamine laboratory operators.
- 178 individuals charged with methamphetamine violations in the various offices of the U.S. Attorney in Missouri, with 173 convictions.
- Caucasians primarily responsible for the production and distribution of methamphetamine in Missouri; however, Mexican organizations are entering the market.
- Enforcement efforts by the Missouri State Highway Patrol Narcotics Unit has become reactive in nature due to the high number of illegal methamphetamine production labs. *6*
- The ability to conduct proactive investigations has been greatly reduced due to the manpower needed to react to lab information. *✗*
- The Missouri State Highway Patrol, Division of Drug and Crime Control (DDCC) has been taxed with most of the lab response in Missouri due to the lab certification of the agents. This has resulted in the accumulation of more than 44,000 hours of unpaid compensatory time for DDCC members. *✗*
- The Midwest HIDTA has been instrumental in supporting the Missouri State Highway Patrol by providing 4 additional employees, protective equipment, supplies and training.
- Environmental and health issues are very concerning. Some narcotics officers have dismantled more than 200 labs in the past three years. Long term health exposures are still uncertain.

Information developed and existing trends indicate Missouri will experience an increase in clandestine manufacturing and distribution of methamphetamine. Missouri continues to adjust to the increased importation of Mexican methamphetamine as well as the increased mobility of local clandestine methamphetamine production operations. Some disruption is occurring due to the increased efforts of law enforcement, as well as from new methamphetamine legislation passed in Missouri. This disruption is causing clandestine laboratory operators to become more mobile, thus increasing laboratory seizures in states surrounding Missouri.

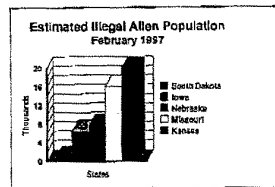
GEOGRAPHICS

Although there are several large cities within the state, most of the land mass is rural, providing an attractive location for the clandestine manufacture of methamphetamine. As shown below, . As shown below, much of the territory in Missouri is rural, forested, land, long sought out by clandestine lab operators.

LAND AREA	FORESTED LAND/ MISSOURI
68,898sq. mi. ,	12,523,000 acres

ECONOMIC FACTORS

Tourism is a large and growing industry. Recreational resorts and dinner theaters in Branson and the Lake of the Ozarks are primary attractions. These areas employ numerous legal and illegal immigrants of varying backgrounds, primarily in the hotel/motel service industry.



There are 10 gaming facilities presently located in Missouri, all adjacent to major metropolitan areas with high drug/crime areas. Statistics for 1998 indicate there were over 40 million patrons to these facilities, with gross revenues of 1 billion dollars. Gaming facilities attract drug dollars and have proven to be popular investments for organized crime and drug trafficking organizations for use in the laundering of drug proceeds.

LINES OF COMMUNICATION

HIGHWAYS

Missouri is comprised of 6 primary U.S. highways, consisting of 1,178 interstate miles. Interstates I-70, I-44 and I-40 are the primary east/west bound arteries, and I-29, I-35 and I-55 are the primary north/south interstates.

AIR

Missouri boasts two international airports, Kansas City International (KCI) and St. Louis International (STL), with commercial flights originating from source cities such as Los Angeles, Phoenix, Dallas, Houston, El Paso and Denver. St. Louis International is the hub for Trans World Airlines (TWA) and Southwest Airlines, while KCI is also a major cargo hub.

Each year approximately 10 million travelers pass through each of these airports en route to other cities. Daily commercial airline flights originating in Kansas City to source locations/cities for methamphetamine reflect:

50+ flights to California
 28 flights to Dallas/Ft. Worth
 21 flights to Phoenix
 21 flights to Denver
 15 flights to Houston
 13 flights to El Paso

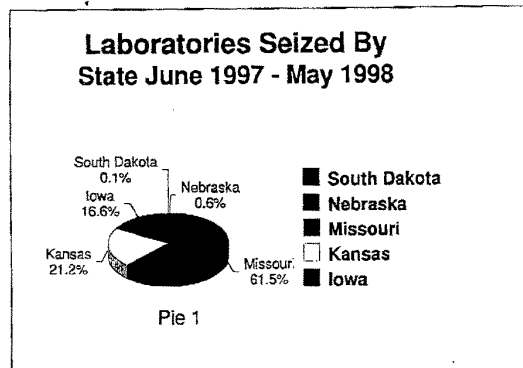
St. Louis International airport serves as a primary hub for TWA and Southwest Airlines. These airlines service most source cities for methamphetamine and other controlled substances within the domestic United States. According to statistics provided by the DEA Kansas City District Office, Airport Task Force Officers arrested 11 defendants for methamphetamine violations in CY95, 11 in CY96, and 22 during CY97, a 100% increase. In the past 4 years, K.C.I. has been the number one handler of air cargo among airports within Midwest HIDTA, whereas St. Louis International leads the two airports in the category of passenger travel.

MANUFACTURING TRENDS

The "Nazi dope" cold method of producing methamphetamine, which was first introduced in Southwest Missouri, has become a popular method of production in Cape Girardeau and Hannibal, Missouri, areas. The primary ingredients in this method of production are products that are readily available, such as ephedrine or pseudoephedrine, as well as sodium metal and/or lithium metal and anhydrous ammonia (which is less common but readily available). The necessary equipment can be purchased at retail department stores and can easily be transported from one processing site to another. "Nazi-dope" laboratories typically produce from one to eight ounces of methamphetamine in less than two hours time. An increase in seized "Nazi-dope" laboratories reveals a product capacity from 2 ounces to pound quantities.

CLAN LAB SEIZURES

According to clandestine lab seizures in Iowa, Missouri and Kansas, there has been a 53% increase from 1996 to 1997, and a 48% increase from 1997 to 1998. This is a 76% increase for the past two years and five months. Based on the number of laboratories seized during the first 5 months of FY98, it is predicted that total laboratory seizures for FY98 will exceed FY97 seizures.



Senator ASHCROFT. Well, I'm very pleased to have your testimony along with all of the other individuals that have testified. I have learned something from every single person who has testified. You know, I'm delighted that we were able to get a HIDTA designation for the State, and I'm delighted that we have leadership like Dave Barton's in the HIDTA. But, you know, putting pressure on something over here sometimes makes it pop up there. We are going to have to work to fine-tune our efforts to do what we can to make sure that we are curtailing and displacing. I don't think we will ever totally curtail without some displacement, but we are going to have to do more than just displace. We have to do more to move these folks.

OK; if I can remember where we started out, I would just like to take a look at—I think, Barry, as the commander of the taskforce—you said that those who are so addicted when they are released are going to be cooking again right away.

Mr. MAYER. Absolutely. I can give you example after example.

Senator ASHCROFT. Out of ten people arrested and charged on meth, how many of them go back to cooking?

Mr. MAYER. All of them.

Senator ASHCROFT. All of them.

Mr. MAYER. They all go back to being involved or affiliated with the group that they came from somehow. I have yet to see an exception to that.

Senator ASHCROFT. Your point is, then, that we really need to focus on these folks.

Mr. MAYER. Absolutely. Judges can be talked to, and citizens groups—I have heard some great suggestions recently. Another—I see Phil had a deal up north of the river in a community up there. The Clay County prosecutor up there suggested that community groups come to sentencings and be present and let the judge know that the community is concerned about the sentencing these crooks are getting. The judges are also being swayed to release or lower bonds. They will set an initial bond and be very high, and then an attorney will become involved, and suddenly the bond is reduced, and now they have cash to make it. Instead of a \$500,000 bond, it's reduced to \$50,000, and they have 5,000 to put up, and the guy is back out, and we've got to go find them again. Time after time we do. We find them involved again in some type of criminal enterprise, stealing autos, counterfeiting, making bad checks, shoplifting. Anything they can do to keep their process going, where they can get to meth.

Senator ASHCROFT. Mr. Corcoran, I asked you to think about this \$2,500 versus \$53 deal. Obviously if the State can do it for 53 we ought to transfer that function totally to the State. But is this a different thing? Are there different guidelines or safeguards being adhered to or—

Mr. CORCORAN. I can't comment because I don't know how that \$53 is workable. I just know that, as Gary Howell said, DEA once did it, several years ago, respond to every lab and handle the clean-up. With the problem the way it is now, with the COPS funding, we have made it available to fund the cleanups for every lab, with strict OSHA guidelines, and those guidelines are meant to protect the officers and the environment in handling these chemicals.

We early on, when it came——

Senator ASHCROFT. Pardon me. Let me interrupt you. I think you said before that every law enforcement agency is eligible to apply for that?

Mr. CORCORAN. For the cleanup, correct. We have a protocol sent out to every department——

Senator ASHCROFT. So no matter how small, like Sheriff Starke's this morning or Sheriff Heiss's operation, they would be eligible, whether or not they are in HIDTA?

Mr. CORCORAN. Correct, correct.

Senator ASHCROFT. OK, good.

Mr. CORCORAN. The cleanup situation. Early on we met with DNR in the State of Missouri and EPA, because, again, we are law enforcement, and our job stops at a certain point, and we try to make that bridge and look for help and look for ways we could all work together. There have been comments made about our funding for clan lab cleanups. It's been well researched. Again, we have certain mandates within OSHA that we follow. It's a national contract. And we try to provide——provide it for everybody. So it——unless there is a better way, we will continue.

Senator ASHCROFT. Have any of you been associated with the law enforcement agency that has had someone with some serious permanent——or long-lasting disability as a result of the exposure to the toxic substance?

Mr. CORCORAN. The DEA has. Again, early on——we have been doing clandestine laboratories for decades. You know, mostly out in California, when they were few and far between. And before you had these guidelines, and people would go into these things and inhale the chemicals, and——I know a person in Chicago who got severe liver damage from a lab he went into in the 1970's.

Mr. MAYER. I have an officer that receives respiratory therapy every week.

Mr. HEISS. I think the response, Senator, at the local level, is to try and develop your intelligence as such so that, when you raid this lab, you are hitting it at such a stage that you are not going to——

Senator ASHCROFT. Minimize your risk?

Mr. HEISS. You are going to minimize your risk. You are not going to be there while the cook——if you are doing anhydrous or Ephedrine reduction methods, you aren't going to be there while that flame is being applied to the mixture, so you minimize your risk of explosion and things like that. Certainly we do that with anhydrous.

Senator ASHCROFT. Do you film any of your seizures? I'm getting to use the right vocabulary here. Do you film those?

Mr. HEISS. We have filmed several.

Senator ASHCROFT. All right. Because I'm kind of getting the idea——what I'm getting is that the out-State operations aren't as well equipped, so maybe you have to have a different timing, so that you minimize your risks.

Mr. HEISS. Right.

Senator ASHCROFT. I mean, I wonder if one of your operations would differ substantially from watching a film with one of yours,

Barry, as it struck me this morning when they brought out an array of gear that had sensing stuff, that senses the gases——

Mr. HEISS. Air monitoring equipment.

Senator ASHCROFT [continuing]. Monitoring for gas and everything that is in the environment. Do you have that kind of equipment?

Mr. HEISS. No, we don't. That is what I was talking about, what I tried to allude to when I talked about leveling the playing field, because we are going in at such an disadvantage. We don't have that equipment available directly through our sheriff's department. We don't have the SCBA's that the officer needs to put on for protective equipment. We don't have that equipment available to us.

Often when you develop the intelligence of the methamphetamine lab—say, for instance, a deputy stops, makes a traffic stop, turns that traffic stop into a methamphetamine-related arrest. Our narcotics officers are alerted. They come in and they talk to the suspect. There is no moral—they have no problem ratting out whoever gave them their dope. There is no loyalty there at all. So we get them to rat the cook out. And often what we find is that the cook is going to take place within the next 2 hours. We find ourselves in that 2-hour window. So we have to move very rapidly, get contact with the prosecutors, develop intelligence, write the search warrant, have the search warrants——

Senator ASHCROFT. And beat them to the cook.

Mr. HEISS. And beat them to the cook, so we are not going into an environment that is going to be volatile. And it is so—often what we have is, although some of the taskforces have this equipment available, it is virtually impossible to get that equipment to the scene of the raid in time to raid the lab and be productive in your efforts.

Senator ASHCROFT. Well, it's pretty clear that we have not solved all of your problems here this morning. As a matter of fact, we haven't solved any. But I have heard about some that we need to focus some attention on. Let me again say to each of you how much I appreciate your testimony. I don't know whether a city could enact standards but you would probably like to base them on some good science somewhere.

Ms. LOAR. Our attorney's office doesn't believe we can, at least that would hold up in court. They are a little concerned about—and that comes from your——

Mr. STUFFLEBEAN. Yes.

Senator ASHCROFT. But these are items which are helpful for me to learn about. I want to thank everyone who has come, those of you who have come to observe as well as those who came to be active participants. I want to thank the staff from Senator Thurmond's office, my own staff, the staff of the Judiciary Committee and appreciate each of you having an interest in this. One of you, I think on this panel, indicated that this is worse than any other drug you have ever encountered. I think people have thought, since it's made out of cold tablets and a few other things, a lot of folks think it's something that can be disregarded. Until we elevated the penalties last year to make them equivalent with cocaine—it was sort of treated that way in the Federal law. I think the last thing we can come to a conclusion on, is that this is something that can

be disregarded or minimized. It's very, very serious. So I thank you all for being here, and I would indicate to you that we will keep this record open for another couple days. If, as you are sort of driving home, saying, "Boy, I wish I would have said that, that guy needs to know this or the Congress ought to be aware of that," get it to us. Will Leathem here in the Kansas City office would be very pleased to be the conduit for getting that material to us, because we would like to include additional items of wisdom in the record of this hearing.

With that note of thanks and appreciation to all that have appeared, especially to the Governor for having come by, to make himself a part of this hearing, we will call the hearing adjourned.

[Whereupon, at 11:55 a.m., the subcommittee was adjourned.]

